

EXHIBIT 50



Transcript of the Deposition of

Daniel Brannigan

Case: James Fletcher, Jr. v. Jerome Bogucki, et al.

Taken On: August 16, 2024

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES FLETCHER JR.,)	
)	
Plaintiff,)	
)	
vs.)	No. 20 CV 4786
)	
JEROME BOGUCKI, ANTHONY)	
NORADIN, RAYMOND SCHALK,)	
ANTHONY WOJCIK, UNKNOWN CITY)	
OF CHICAGO POLICE OFFICERS,)	
and the CITY OF CHICAGO,)	
)	
Defendants.)	

The deposition of DANIEL BRANNIGAN,
called by the Defendant for examination, taken
pursuant to notice and pursuant to the Federal
Rules of Civil Procedure for the United States
District Courts pertaining to the taking of
depositions, taken at the offices of
Hale & Monico, Room 301, 53 West Jackson
Boulevard, Chicago, Illinois, before Kari
Wiedenhaupt, Certified Shorthand Reporter
commencing at 10:20 a.m. on August 16, 2024.

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17 Office.

18 ALSO PRESENT: Lo Ramanujam, paralegal at
19 Hale & Monico (via
20 videoconference)

21 * * * * *

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1 (Whereupon, the witness was duly
2 sworn.)

3 THE COURT REPORTER: Just for the record,
4 would counsel like to introduce yourselves and
5 state whom you represent?

6 MS. WEST: Sure.

7 Just for the record, my name is Allyson
8 West. I represent the individual defendant
9 officers.

10 MS. MORRISON: Katherine Morrison. I
11 represent City of Chicago.

12 MR. HOLMES: Cliff Holmes. I represent the
13 Cook County State's Attorney's Office.

14 MR. STARR: Sean Starr, along with Jennifer
15 Blagg, who is attending remotely, and we
16 represent the plaintiff in this matter.

17 Can -- Ms. Blagg, can you hear us?

18 MS. BLAGG: Yes, I can.

19 MR. STARR: Okay. Great.

20 MR. COYNE: John Coyne on behalf of the
21 witness.

22

23

24

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1 DANIEL BRANNIGAN,
2 having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MS. WEST:

6 Q. Mr. Brannigan --

7 A. Yes.

8 Q. -- can you state your name and spell
9 your last name for the record, please?

10 A. Daniel Brannigan; D-A-N-I-E-L, B as in
11 boy, R-A-N-N-I-G-A-N.

12 Q. Mr. Brannigan, like I said, my name is
13 Allyson West. I represent the defendant
14 officers that have been sued by James Fletcher.
15 I'm going to ask you some questions.

16 Have you ever taken part in a
17 deposition before?

18 A. Yes, ma'am.

19 Q. I won't bore you with all the ground
20 rules then. I'm sure your attorney let you
21 know, but if at any point you need to take a
22 break, let me know. We will take a break. All
23 I ask is that you answer the question pending
24 before we take that break.

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1 Understood?

2 A. Yes, ma'am.

3 Q. If you don't understand a question that
4 I ask you, please let me know. I will try to
5 repeat it or rephrase it until you do understand
6 the question.

7 Understood?

8 A. Yes, ma'am.

9 Q. And just like what you're doing right
10 now, we will try our best not to talk over each
11 other so that the court reporter can take down
12 everything that we are saying accurately.

13 Understood?

14 A. Yes, ma'am.

15 Q. Okay. Did you do anything to prepare
16 for your deposition today?

17 A. Yes, ma'am.

18 Q. What did you do?

19 A. Read some reports and documents related
20 to this case.

21 Q. Okay. Do you have a recollection of
22 what documents you reviewed prior to your
23 deposition this morning?

24 A. Copies of affidavits and my report. I

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1 think an arrest report.

2 MR. COYNE: I'm sorry. What?

3 THE WITNESS: An arrest report.

4 MR. COYNE: Oh, right.

5 BY THE WITNESS:

6 A. An arrest report of Ms. Friend. I
7 think that's all I recall right now.

8 BY MS. WEST:

9 **Q. Other than meeting with your counsel,**
10 **did you speak with anyone in preparation for**
11 **your deposition today?**

12 A. I spoke to Carroll, who was my partner
13 on this.

14 THE COURT REPORTER: Carroll?

15 THE WITNESS: Carroll, C-A-R-R-O-L-L. First
16 name Gerry; G as in George, E-R-R-Y.

17 BY MS. WEST:

18 **Q. And when did you speak with**
19 **Mr. Carroll?**

20 A. Pardon me?

21 **Q. When did you speak with Mr. Carroll?**

22 A. Maybe a week ago, two weeks ago. I
23 don't recall.

24 **Q. And did you discuss the substance of**

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1 **the underlying investigation that you and**
2 **Mr. Carroll did in this case?**

3 A. I just asked him what he recalled, if
4 he recalled anything.

5 **Q. Okay. And did Mr. Carroll recall**
6 **anything?**

7 A. No. He said he would take a look at
8 some reports.

9 **Q. Did you have any further conversation**
10 **with Mr. Carroll about --**

11 A. That might have been a while back when
12 this first came up. So maybe two conversations
13 with him.

14 **Q. Did you speak with Mr. Carroll after he**
15 **had an opportunity to look at some paperwork?**

16 A. I don't remember. I guess he did,
17 yeah. I'm sure he did, yeah. Okay.

18 **Q. Okay. Did -- after looking at**
19 **paperwork, did Mr. Carroll indicate to you he**
20 **had any recollection of your -- his involvement?**

21 A. He -- he recalled it, but it was -- he
22 had no details for me. He added nothing to
23 mine.

24 **Q. Have you had any conversations with**

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1 **anyone else other than Mr. Carroll and your**
2 **attorney in preparation for your deposition**
3 **today?**

4 A. That's all I recall. No. I requested
5 the reports, yeah, from -- who did I request
6 them from? Before I had -- before I had
7 reports, I knew about this. I was told about
8 the suit, and it did not ring a bell, nothing,
9 zero, zip, nada. So I had somebody dig them up
10 for me.

11 Q. And was that somebody that you had dig
12 them up at the State's Attorney's Office?

13 A. Yes.

14 Q. And you're still employed with the
15 State's Attorney's Office?

16 A. Pardon?

17 Q. You're still employed with the State's
18 Attorney's Office?

19 A. We were, yeah.

20 Q. I'm sorry. Are you currently?

21 A. Oh, no, no, no. I am currently
22 retired.

23 Q. When did you retire?

24 A. January 31st. I mean -- excuse me.

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1 December 31st, 2021.

2 Q. Okay. So you contacted somebody at the
3 State's Attorney's Office?

4 A. Right.

5 Q. And had them request documentation
6 related to your investigation in the Jimmy
7 Fletcher case; is that right?

8 A. That's correct.

9 Q. Do you remember that individual's name?

10 A. Pardon?

11 Q. Do you recall that person's name that
12 you asked for the documents from?

13 A. I believe it was Margaret Bamford at
14 the time. She would have been the sergeant at
15 the time.

16 Q. Had you worked with Margaret in the
17 past?

18 A. Yes.

19 Q. And did Margaret send you those
20 documents via e-mail, or were they paper copies
21 that were delivered to you?

22 A. With me, probably paper copies.

23 Q. Okay. So you -- let's just -- so the
24 record is clear, so you retired from the Cook

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1 **County State's Attorney's Office on**
2 **December 31st of 2021; is that right?**

3 A. Correct.

4 **Q. Okay. And prior to your retirement,**
5 **how long had you been with the office?**

6 A. Since January '05.

7 **Q. And when you worked at the State's**
8 **Attorney's Office, in what capacity were you**
9 **employed?**

10 A. I was an investigator there.

11 **Q. And was that your title the entire time**
12 **that you worked at the State's Attorney's**
13 **Office?**

14 A. Yes, ma'am.

15 **Q. Just generally, what did your duties**
16 **consist of as an investigator with the State's**
17 **Attorney's Office?**

18 A. There is many roles for an investigator
19 to play at the State's Attorney's Office. My
20 first role was working in child support, which
21 was basically handing out summons to people who
22 were in arrears on child support. I then
23 went -- as an investigator, and then I went to
24 the post-conviction unit, which --

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1 post-conviction, capital litigation, and
2 conflicts cases. And I remained there for the
3 duration.

4 **Q. And when did you go to the**
5 **post-conviction unit?**

6 A. Maybe a year after my arrival at the
7 State's Attorney's Office. I did approximately
8 a year, eight months, nine months at the child
9 support unit.

10 **Q. So I want to focus in on your time in**
11 **the post-conviction unit.**

12 **How would you typically receive your**
13 **assignments?**

14 A. From the State's Attorney. From the
15 State's Attorney to the supervisor, sometimes to
16 yourself directly if the supervisor wasn't
17 around.

18 **Q. Okay. And would you receive**
19 **assignments both by somebody filling out an**
20 **investigator form --**

21 A. That's correct.

22 **Q. And would you also receive assignments**
23 **by somebody orally coming and seeking you out**
24 **and talking to you about something?**

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1 A. It may have happened on occasion, look
2 something up real quick, but 99 percent of the
3 time it would be a written -- a written request.

4 MR. COYNE: I need a clarification. You said
5 you get your assignment from the State's
6 Attorney or from an Assistant State's Attorney?

7 THE WITNESS: Oh, Kimmie never called me up.

8 MR. COYNE: So you mean an Assistant State's
9 Attorney?

10 THE COURT REPORTER: Kimmie?

11 THE WITNESS: Kimmie. Kimmie Fox. No. It
12 would be an assistant that would --

13 BY MS. WEST:

14 **Q. Yes.**

15 **Do you have an independent recollection**
16 **of receiving an assignment in James Fletcher's**
17 **case?**

18 A. No. I did not.

19 **Q. So --**

20 A. At what point in time? Now? Now I
21 know all about it.

22 **Q. Okay. So, yeah, let's take this little**
23 **by little.**

24 **So as you sit here today, do you have**

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1 **an independent recollection of receiving the**
2 **assignment for James Fletcher's case?**

3 A. No.

4 **Q. Okay. After looking at the paperwork**
5 **in preparation for your deposition today, were**
6 **you able to determine when approximately you**
7 **received that assignment?**

8 A. I can't tell you the exact date, but
9 sometime in -- I believe it was 2015.

10 **Q. Okay. As you sit here today, do you**
11 **have an understanding of what stage**
12 **Mr. Fletcher's case was in when you first**
13 **received the assignment in roughly 2015?**

14 MR. COYNE: Objection, form and foundation.

15 Go ahead.

16 BY THE WITNESS:

17 A. I don't know if it was in the
18 post-conviction or the conviction integrity
19 stage, if he was done with his post-conviction
20 work or if it was -- that had already been done
21 and I was now in the conviction integrity phase
22 of his whatever you want to call it.

23 BY MS. WEST:

24 **Q. And when you were at the State's**

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1 **Attorney's Office working in the post-conviction**
2 **unit, would you handle assignments both from**
3 **cases that were still in the post-conviction**
4 **phase as well as those that were in the**
5 **integrity unit?**

6 A. Conviction integrity was formed after I
7 had been assigned to the post-conviction and
8 everything, and conviction integrity just became
9 another part of that squad or unit.

10 **Q. Do you recall what time period that**
11 **happened?**

12 A. No, ma'am.

13 **Q. Do you recall who you received the**
14 **assignment from to work on Mr. Fletcher's case?**

15 A. No. No, ma'am.

16 **Q. Do you --**

17 A. Do I recall then -- or I recall -- I
18 have an idea now, but I don't -- and I didn't
19 recall when I --

20 THE COURT REPORTER: Sorry?

21 MS. WEST: Pardon me.

22 THE COURT REPORTER: I didn't hear the end of
23 what you said.

24 THE WITNESS: I'm sorry.

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1 BY THE WITNESS:

2 A. When I first started getting
3 notifications that there was a lawsuit, I didn't
4 know anything about anything. I now have an
5 idea who may have been one of the people
6 involved.

7 BY MS. WEST:

8 Q. And is that based on your review of
9 documents?

10 A. Correct.

11 Q. Okay. And who do you think may have
12 given you the assignment?

13 A. I think it was maybe Galassini, Nancy
14 Galassini, and I think it may have been Gina
15 Savini. There may be others, but they --
16 those -- that's who I believe right now.

17 Q. In 2015 when you were working as an
18 investigator for the State's Attorney's Office,
19 did you have a partner that you typically worked
20 with?

21 A. Usually, yes.

22 Q. Okay. And who was your partner at the
23 time?

24 A. At what point?

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1 **Q. In 2015.**

2 A. That would have been Carroll for the
3 most part. Not permanently assigned partner,
4 but for the most part. It's not like you didn't
5 work with other individuals.

6 MS. WEST: I want to show you what we will
7 mark as Brannigan Exhibit 1. Let me see. All
8 right.

9 (Whereupon, Brannigan Deposition
10 Exhibit No. 1 was marked for
11 identification.)

12 MS. WEST: All right, Mr. Brannigan.

13 Oh, for the record, this document is
14 Bates-stamped -- and I will go with the State's
15 Attorney Bates stamp. It's CCSAO-CIU 000424
16 through 426.

17 BY MS. WEST:

18 **Q. Mr. Brannigan, have you seen this**
19 **document before?**

20 A. Say that again, ma'am.

21 **Q. Have you seen this document before?**

22 A. Yes.

23 **Q. And what is this document?**

24 A. This appears to be a photocopy of a

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1 report prepared by me and Detective Carroll --
2 or Investigator Carroll related to an interview
3 with Sheenee Friend, F-R-I-E-N-D.

4 Q. And is this one of the documents that
5 you reviewed in preparation for your deposition
6 today?

7 A. Yes, ma'am.

8 Q. Do you have an independent recollection
9 of -- strike that.

10 Let me ask you this first: So you see
11 the date of assignment at the top of this -- the
12 report where it says December 10th, 2014?

13 A. Yes, ma'am.

14 Q. Okay. And then do you see reporting
15 date, March 5th, 2015?

16 A. Yes, ma'am.

17 Q. Do you know if you received the
18 assignment in 2014 based on this?

19 A. That -- that would indicate that's the
20 day that I first received the assignment.
21 That's correct.

22 Q. Do you have a recollection if it took
23 you multiple attempts to finally locate and meet
24 with Ms. Friend?

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1 MR. STARR: Objection, foundation.

2 MS. WEST: You can answer.

3 MR. STARR: You can answer.

4 MR. COYNE: You can answer unless you're
5 instructed not to answer. Okay? If somebody
6 objects, you can still answer.

7 BY THE WITNESS:

8 A. I -- I really don't recall.

9 BY MS. WEST:

10 Q. Okay. When --

11 A. I suspect due to the time frame it may
12 have been a while.

13 Q. Okay. And that's what I was getting
14 at. Because it looks like there is, you know, a
15 little less than -- I mean, it's a few months
16 there.

17 But you don't have a recollection of
18 how long, if it took you multiple attempts?

19 A. No, ma'am.

20 Q. Okay. All right. Do you have an
21 independent recollection of interviewing
22 Ms. Friend?

23 A. I'm sorry. My hearing is not real
24 good. That's why I'm --

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1 **Q. No, no. I understand.**

2 A. Okay.

3 **Q. Do you have an independent recollection**
4 **of interviewing Ms. Friend?**

5 A. Yes.

6 **Q. Tell me generally what you recall about**
7 **your interview with Ms. Friend.**

8 A. It was a very pleasant interview. It
9 was not long -- not long and drawn out. It was
10 in the kitchen of -- a room in her apartment.
11 That's basically it.

12 **Q. Okay. Based on this report, can you**
13 **tell if you drafted this report or if**
14 **Mr. Carroll did?**

15 A. I would say it's probably 80 percent
16 my -- my drafting it. I mean, Mr. Carroll
17 reviewed it and may have made a change during
18 the drafts.

19 **Q. Is that typically how it worked? Would**
20 **one investigator take the lead on drafting a**
21 **report and the other would review it?**

22 MR. COYNE: Objection, form.

23 Go ahead.

24 THE WITNESS: Pardon?

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1 MR. COYNE: Go ahead. I just objected to
2 form. You can answer.

3 BY THE WITNESS:

4 A. Yes. That would be commonplace.

5 BY MS. WEST:

6 Q. And on page 3 of this document, do you
7 see your signature?

8 A. I see -- I see two signatures. One
9 appears to be mine. I'm not sure who the
10 sergeant was at the time. And would you like me
11 to venture a guess at who signed off on it?

12 MR. COYNE: I would say not. I would urge
13 you not to guess during the deposition.

14 BY MS. WEST:

15 Q. That's okay.

16 Let me ask you: So were you given --
17 when you started working as an investigator with
18 the State's Attorney's Office, were you assigned
19 a star number or a number, essentially?

20 A. Yes, I was.

21 Q. Okay. And the 334 that's next to your
22 signature, was that your number?

23 A. That would have been my star number,
24 yes. That was my star number.

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1 Q. And then are you familiar with
2 Mr. Carroll's signature?

3 A. Yes.

4 Q. Is that his signature next to yours?

5 A. Yes. It appears to be his signature.

6 Q. Okay. And are you aware of what his
7 star number was as an investigator?

8 A. 505.

9 Q. Okay. Thank you.

10 And it looks like there is also a date
11 above the names where the line "investigator"
12 is. It looks like it says 13 MAR 15.

13 Do you see that?

14 A. Yes.

15 Q. Would that have -- is that in your
16 handwriting?

17 A. Is that what?

18 Q. In your handwriting?

19 A. Appears to be, yes.

20 Q. Okay. And would you have dated it at
21 the same time you signed it?

22 A. Oh, yes, yes.

23 Q. Okay. Okay. When looking through this
24 report, it looks like based on the report, your

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1 **assignment was to locate and interview**

2 **Ms. Friend; is that right?**

3 A. That's correct.

4 **Q. Were you aware at the time that**

5 **Ms. Friend was a witness for the defense?**

6 MR. STARR: Objection to foundation.

7 BY THE WITNESS:

8 A. That she was a witness for defense?

9 BY MS. WEST:

10 **Q. Yes.**

11 A. No. I had no idea.

12 **Q. So up at the top of the report where it**
13 **says "Synopsis of Report" on page 1 -- right**
14 **here on page 1.**

15 A. Oh, I'm sorry.

16 **Q. No. You're fine.**

17 A. Okay.

18 **Q. It says, "located and interviewed**
19 **defense witness."**

20 **Do you see that?**

21 MR. COYNE: What part are you at? Okay. Got
22 you.

23 BY THE WITNESS:

24 A. Okay. Okay. Yes.

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1 BY MS. WEST:

2 Q. Okay. So based on the report, did you
3 have the information provided to you that she
4 was --

5 A. Yeah. I -- I must have or that
6 wouldn't be here.

7 MR. COYNE: And, Dan, just make sure you let
8 her finish the questions.

9 THE WITNESS: Yes.

10 MR. COYNE: Otherwise, the court reporter
11 will get mad at me.

12 MR. STARR: And I was trying to make an
13 objection, a belated objection as to form,
14 foundation, and speculation.

15 BY MS. WEST:

16 Q. Okay. Do you have a recollection of
17 who you received the information from that
18 Ms. Friend was a defense witness?

19 A. As I sit here today right now, no.

20 Q. Based on your report, it looks like you
21 were talking to Ms. Friend about two affidavits
22 that she had previously signed; is that correct?

23 A. Correct.

24 Q. Okay. And based on your report, one

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1 **affidavit was dated August 26th, 2011, and one**
2 **was dated March 5th, 2012.**

3 **Do you see that?**

4 MR. STARR: Did you say March 5th?

5 MS. WEST: I'm sorry. April 5th. Thank you.

6 All right.

7 BY THE WITNESS:

8 A. Go over the dates again.

9 BY MS. WEST:

10 **Q. Sure.**

11 **So I'm looking at that evidence and**
12 **inventory section --**

13 A. Got you.

14 **Q. -- on page 1.**

15 A. Yes, ma'am.

16 **Q. So it looks like based on that it says**
17 **the first affidavit from Ms. Friend was from**
18 **August 26, 2011.**

19 **Do you see that?**

20 A. Correct.

21 **Q. And then the second affidavit was from**
22 **April 5th, 2012.**

23 **Do you see that?**

24 A. Yes, ma'am.

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1 **Q. Okay.**

2 **A. I can't read my own report. I**
3 **apologize.**

4 **Q. No. You're fine.**

5 **I want to direct your attention to the**
6 **first paragraph that starts with "Two**
7 **affidavits" on page 1.**

8 **A. Page 1.**

9 **Q. Page 1 where it says --**

10 **A. First half -- first paragraph.**

11 **Q. Yes. First paragraph, and it starts**
12 **with "Two affidavits."**

13 **Do you see that?**

14 **A. Correct.**

15 **Q. Okay. Essentially, you note, "In**
16 **essence, both affidavits state, among other**
17 **things, detectives told Friend to pick Fletcher**
18 **out of a photo array lineup and later told**
19 **Friend to pick Fletcher out of a physical**
20 **lineup."**

21 **Do you see that?**

22 **A. Yes.**

23 **Q. And is -- is that something that you**
24 **documented after reading both of her affidavits?**

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1 MR. STARR: Objection to form and foundation,
2 calls for speculation.

3 BY THE WITNESS:

4 A. Say again, please.

5 MS. WEST: Sure.

6 Would you mind reading it back?

7 (Whereupon, the record was read
8 as requested.)

9 BY THE WITNESS:

10 A. Correct.

11 BY MS. WEST:

12 Q. Okay. Would you have learned the
13 information that I just read that's in this
14 first full paragraph from any other source other
15 than the two affidavits of Ms. Friend?

16 MR. STARR: Same objections.

17 BY THE WITNESS:

18 A. No, ma'am.

19 BY MS. WEST:

20 Q. Okay. The second -- all right. Let's
21 go to page 2 of your report.

22 So on the second page of your report --
23 so I'm at the third paragraph -- or the second
24 full paragraph on page 2. It starts with

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1 "R/Is."

2 Based on this paragraph, Ms. Friend
3 relays to you that she didn't know who
4 Mr. Fletcher was prior to the homicide? Do you
5 agree?

6 A. One, two -- third full paragraph?

7 Q. Correct.

8 A. Right, okay.

9 She said she did not.

10 Q. Okay. On down in that paragraph,
11 Friend indicated to you that after
12 Mr. Fletcher's arrest, his family would visit
13 her and tell her not to come to court.

14 Do you see that?

15 MR. COYNE: Sorry. Is that the next
16 paragraph or the same paragraph?

17 MS. WEST: Same paragraph, next sentence.

18 MR. STARR: Objection to form.

19 BY THE WITNESS:

20 A. Okay. And repeat the question. I'm
21 sorry.

22 BY MS. WEST:

23 Q. Sure, sure.

24 So let me do it this way. I will

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1 **direct you to that same paragraph we're looking**
2 **at that starts with "R/Is."**

3 A. Okay.

4 Q. Okay. The second sentence that starts
5 **with "Friend."**

6 A. Correct.

7 Q. Okay. "Friend then remarked that she
8 **met members of Fletcher's family after Fletcher**
9 **was arrested as they kept coming by her**
10 **residence telling her not to come to court."**

11 Do you see that?

12 A. Yes.

13 Q. Do you have a recollection of
14 **Ms. Friend telling you that?**

15 A. Yes.

16 Q. What else do you have a recollection of
17 **Ms. Friend telling you relative to**
18 **Mr. Fletcher's family members coming to her**
19 **house and telling her not to go to court?**

20 MR. STARR: I'm going to object to form and
21 foundation and calls for speculation. He
22 already testified to the extent of his
23 independent recollection.

24 Go ahead.

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1 BY THE WITNESS:

2 A. Basically what's in that paragraph.

3 BY MS. WEST:

4 Q. And when you say "what's in that
5 paragraph," the paragraph later details that
6 there were two individuals that would come to
7 her house.

8 Do you see that?

9 A. Correct.

10 Q. And one of the individuals was a woman
11 who identified herself as Fletcher's daughter.

12 A. Correct.

13 Q. And do you remember Ms. Friend telling
14 you that?

15 A. Yes.

16 MR. STARR: Same objections.

17 BY MS. WEST:

18 Q. I'm sorry. Go ahead.

19 A. Yes.

20 Q. And she also indicated -- Ms. Friend
21 also indicated that a tall, skinny, dark-skinned
22 older man identified himself as Fletcher's
23 uncle.

24 Do you recall her telling you that?

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1 A. Yes.

2 MR. COYNE: Just for the record, it says
3 "dark-skinned older male black." Just for the
4 record, that's what it says.

5 MR. STARR: Same objections.

6 MS. WEST: Okay. Now I've lost my frame
7 of --

8 MR. STARR: Sure. So --

9 THE WITNESS: Okay. Let's go.

10 BY MS. WEST:

11 Q. Well, let me just back up.

12 A. Okay. Let's go again.

13 Q. Thank you. All right.

14 So we have already established that
15 Ms. Friend told you that a female who identified
16 themselves as Fletcher's daughter came to her
17 house, correct?

18 MR. STARR: Objection to form.

19 BY THE WITNESS:

20 A. Yes.

21 BY MS. WEST:

22 Q. Okay. And she also -- Ms. Friend also
23 indicated to you that a male black who was
24 skinny, dark-skinned, who identified himself as

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1 **Fletcher's uncle would come to her house?**

2 MR. STARR: Objection to form and foundation.

3 Are you -- I don't mean to interrupt too much,
4 but are you asking him about his independent
5 recollection now? Because your previous
6 question was, but now you're just summarizing
7 what it says. So I'm just not sure what your
8 question is.

9 MS. WEST: Yeah. I'm going to do it both
10 ways.

11 MR. STARR: Okay. Okay.

12 MS. WEST: Yeah.

13 THE WITNESS: Can you repeat what you said?
14 I couldn't --

15 MR. STARR: Yeah. Sure. No problem. I
16 objected and asked Ms. West whether or not she
17 was asking about your independent recollection
18 or what the report says.

19 MR. COYNE: Right. And for the record, he
20 did say that what was told to him is summarized
21 in this paragraph. So it sounds like it's both,
22 but that's just for the record.

23 BY MS. WEST:

24 **Q. All right. Let's clear it up for the**

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1 record. Okay? The paragraph that we're focused
2 on right now is talking about individuals from
3 Mr. Fletcher's family that would come to
4 Ms. Friend's house and tell her not to go to
5 court.

6 Is that an accurate summary of the
7 paragraph we're focused on?

8 A. Yes, it is.

9 Q. Okay. And you have an independent
10 recollection of Ms. Friend telling you that
11 members of Mr. Fletcher's family would come to
12 her home and tell her not to go to court; is
13 that right?

14 MR. STARR: Objection; form, foundation,
15 calls for speculation, mischaracterizes his
16 prior testimony regarding his independent
17 recollection.

18 BY THE WITNESS:

19 A. Yes. Yes, I do.

20 BY MS. WEST:

21 Q. And do you have an independent
22 recollection of Ms. Friend telling you that two
23 specific individuals from Mr. Friend's -- I'm
24 sorry -- from Mr. Fletcher's family would come

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1 **to her house?**

2 MR. STARR: Same objections.

3 BY THE WITNESS:

4 A. All right. Say that one again, ma'am.

5 BY MS. WEST:

6 **Q. Sure.**

7 A. I thought we just did this. Go ahead.

8 **Q. We -- yeah. We are just doing it again**
9 **to make sure the record is clear here.**

10 Do you have an independent recollection
11 **of Ms. Friend telling you that two family**
12 **members, specifically two individuals, would**
13 **come to her home and tell her not to go to**
14 **court?**

15 MR. STARR: Form, foundation, speculation.
16 Mischaracterizes his prior testimony regarding
17 his independent recollection.

18 BY MS. WEST:

19 **Q. You can answer.**

20 A. Yes.

21 **Q. Documented here in your report it says**
22 **that Ms. Friend didn't know either of those**
23 **individuals' names; is that right?**

24 A. Correct.

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1 **Q. Next paragraph on page 2 of your**
2 **report.**

3 **Do you have an independent recollection**
4 **of Ms. Friend telling you that she found money**
5 **orders in her mailbox?**

6 A. Yes.

7 MR. STARR: Same objections.

8 BY MS. WEST:

9 **Q. And in your report you documented,**
10 **"Friend continued and stated that she was given**
11 **money not to go to court."**

12 **Do you see that, the next paragraph**
13 **down?**

14 A. Okay. So we are -- she is given money
15 to go to court, right?

16 **Q. Money not to go to court.**

17 A. Or not to go to court.

18 **Q. Do you see that?**

19 A. Correct.

20 **Q. Okay. Do you have a recollection of**
21 **Ms. Friend telling you that?**

22 A. Yes.

23 MR. STARR: Objection to form, foundation.
24 Mischaracterizes his prior testimony regarding

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1 his independent recollection.

2 BY MS. WEST:

3 Q. And in this paragraph -- well, let me
4 ask you this: Do you have a recollection of
5 Ms. Friend telling you how many times this
6 happened, that she received money in her
7 mailbox?

8 A. I think she said three times.

9 MR. STARR: Same objections.

10 BY MS. WEST:

11 Q. And is that what is also documented in
12 your report?

13 A. Yes.

14 Q. Let's just establish this first: So if
15 Ms. Friend told you something during the course
16 of your interview with her, would you have
17 documented it in your report?

18 A. Anything related to the case, yes.

19 Q. Okay. And, typically, what type of
20 information do you put in a report after
21 interviewing a witness?

22 MR. STARR: Objection; form, foundation.

23 BY THE WITNESS:

24 A. I would put --

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1 MR. STARR: Incomplete hypothetical. Thank
2 you.

3 BY THE WITNESS:

4 A. I put in what she related to me, a
5 summary of what was related to me. Unless there
6 is a specific quote, it's a summary.

7 BY MS. WEST:

8 Q. And if there -- if you included in your
9 report any specific quotes, would it be actually
10 in quotations in your report?

11 MR. COYNE: Objection, foundation.

12 Go ahead.

13 BY THE WITNESS:

14 A. Yes, ma'am.

15 BY MS. WEST:

16 Q. Okay. And during this conversation
17 with Ms. Friend, did she indicate to you that
18 the money that she found in the mailbox was from
19 Mr. Fletcher's family?

20 MR. STARR: Objection; form, foundation,
21 calls for speculation, assumes facts not in
22 evidence.

23 BY THE WITNESS:

24 A. Say the question again.

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1 BY MS. WEST:

2 Q. Sure.

3 So based on your recollection of having
4 this conversation with Ms. Friend, was the money
5 that she was being paid not to go to court from
6 Mr. Fletcher's family?

7 MR. STARR: Objection to form, foundation,
8 and speculation. Assumes facts not in evidence.

9 BY THE WITNESS:

10 A. I don't see it here in the report, but
11 I -- I believe she -- she told me that she did
12 not know.

13 BY MS. WEST:

14 Q. That she didn't know who was paying the
15 money?

16 A. She did not know who was paying the
17 money.

18 Q. Okay. Based on this, did she tell you
19 that the money was being left by way of a bribe
20 or a payment for her not to go to court?

21 MR. COYNE: Objection, form.

22 MR. STARR: Objection; form, foundation,
23 mischaracterizes what he just testified to.

24

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1 BY THE WITNESS:

2 A. No. She did not say that.

3 BY MS. WEST:

4 Q. In that same paragraph that we're
5 looking at, you documented in your report that
6 "Friend stated she told the detectives and a
7 State's Attorney about people telling her not to
8 come to court and giving her money not to appear
9 in court."

10 Do you see that?

11 A. Yes.

12 Q. Did you do any follow-up to confirm
13 whether or not Ms. Friend had, in fact, told the
14 State's Attorney's or a detective about that?

15 A. I don't recall.

16 Q. Okay. Did Ms. Friend tell you whether
17 or not the State's Attorney or the detectives
18 did anything with that information that she
19 provided to them?

20 MR. COYNE: Objection, form.

21 BY THE WITNESS:

22 A. I don't recall.

23 BY MS. WEST:

24 Q. The last sentence in that paragraph

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1 is -- says, "Friend said she told the truth at
2 the grand jury and when she testified in court."

3 Do you see that?

4 A. Yes.

5 Q. Okay. Do you have an independent
6 recollection of her speaking to you about her
7 testimony at the grand jury or Mr. Fletcher's
8 criminal trial?

9 MR. STARR: Form, foundation, calls for
10 speculation, mischaracterizes the prior
11 testimony.

12 BY THE WITNESS:

13 A. No. She just said she told the truth
14 when she went to court and the grand jury.

15 BY MS. WEST:

16 Q. Two paragraphs down it still starts
17 with Friend, "Friend was asked."

18 Do you see that?

19 A. Okay. I'm at that paragraph.

20 Q. Okay. "Friend was asked if any
21 detective or officer threatened her or told her
22 who to identify at any time."

23 Do you see that?

24 A. Yes.

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1 **Q. When you write it that way, is that**
2 **some -- is that a question that you specifically**
3 **posed to Ms. Friend?**

4 MR. COYNE: Objection --

5 MR. STARR: Form, foundation, speculation.

6 Sorry, John.

7 MR. COYNE: Yeah, sorry.

8 Objection, form. And join.

9 MR. STARR: And foundation and speculation.

10 BY THE WITNESS:

11 A. Yeah. I proposed that to her. I said
12 that or Gerry said that. I can't remember right
13 now.

14 BY MS. WEST:

15 **Q. And do you have an independent**
16 **recollection of asking Ms. Friend if a detective**
17 **or officer had threatened her or told her who to**
18 **identify?**

19 MR. STARR: Form, foundation, speculation,
20 mischaracterizes his prior testimony.

21 BY THE WITNESS:

22 A. I do have that recollection, yes.

23 BY MS. WEST:

24 **Q. And what did Ms. Friend tell you?**

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1 A. That no one threatened her.

2 MR. STARR: Belated same objections to the
3 second follow-up question.

4 BY THE WITNESS:

5 A. All right. That nobody threatened her
6 or told her who -- let me clear my throat.

7 Nobody told her who to identify or
8 nobody threatened her.

9 BY MS. WEST:

10 **Q. Thank you.**

11 **And when we're talking about identify,**
12 **we mean identifying an offender.**

13 **Is that what we are speaking about or**
14 **what you're documenting in your report?**

15 A. That's correct.

16 **Q. Do you have a recollection of**
17 **Ms. Friend telling you that she told the**
18 **detectives the truth about what happened**
19 **initially, and then again years later she told**
20 **the truth?**

21 MR. STARR: Objection to form and foundation,
22 mischaracterizes his prior testimony, and calls
23 for speculation.

24 Go ahead.

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1 BY THE WITNESS:

2 A. Read the question again. I'm so sorry.

3 BY MS. WEST:

4 Q. Sure.

5 Do you have an independent recollection
6 of Ms. Friend telling you that she told the
7 truth when she spoke to detectives initially and
8 then again when she spoke with them years later?

9 MR. STARR: Same objections.

10 BY THE WITNESS:

11 A. Yes.

12 BY MS. WEST:

13 Q. Finally, it's documented in this same
14 paragraph that Ms. Friend indicated that she had
15 been treated well by the police both during the
16 initial investigation and the investigation
17 years later.

18 Do you see that documented?

19 A. Yes.

20 Q. The -- the last -- the second to last
21 paragraph, so one paragraph down, it starts, "At
22 this time."

23 A. Yes.

24 Q. Okay. Based on this paragraph, it

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1 **appears that you read both affidavits aloud to**
2 **Ms. Friend; is that right?**

3 A. That's correct.

4 **Q. Do you have an independent recollection**
5 **of reading those affidavits to Ms. Friend?**

6 A. Yes, I do.

7 MR. STARR: Same objection regarding
8 mischaracterizing his prior testimony.

9 BY MS. WEST:

10 **Q. And when you were reading those**
11 **affidavits to Ms. Friend, was your partner,**
12 **Mr. Carroll, present?**

13 MR. STARR: Same objections.

14 BY THE WITNESS:

15 A. Yes, he was.

16 BY MS. WEST:

17 **Q. And anyone other than yourself,**
18 **Mr. Carroll, and Ms. Friend present?**

19 MR. STARR: Same objections.

20 BY THE WITNESS:

21 A. I don't recall anyone else being
22 present.

23 BY MS. WEST:

24 **Q. Do you have a recollection of after you**

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1 **read those affidavits to Ms. Friend that she**
2 **indicated to you that both affidavits were not**
3 **accurate and truthful?**

4 MR. STARR: Objection to form, foundation,
5 and calls for speculation. It mischaracterizes
6 his prior testimony regarding his independent
7 recollection.

8 BY THE WITNESS:

9 A. Ms. Friend told me that those
10 affidavits -- I think the term she used on it --
11 were "bullshit."

12 BY MS. WEST:

13 **Q. And what you documented here in your**
14 **report was that Friend remarked that the**
15 **affidavits were not accurate and truthful,**
16 **correct?**

17 A. That's correct.

18 **Q. Do you have an independent recollection**
19 **of telling -- or strike that.**

20 Do you have an independent recollection
21 of asking Ms. Friend why she signed the
22 affidavits even though they weren't truthful?

23 MR. STARR: Form, foundation, speculation,
24 mischaracterizes his prior testimony regarding

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1 his independent recollection.

2 BY THE WITNESS:

3 A. I do.

4 BY MS. WEST:

5 **Q. And what did she tell you?**

6 A. It -- just what it says here. That
7 these people, in fact -- that it was quoted, it
8 stood out in my mind. "So these people would
9 leave me the fuck alone."

10 MR. STARR: And just for the record,
11 belated -- same objections to the follow-up
12 question. I just didn't want to interrupt
13 Mr. Brannigan.

14 BY MS. WEST:

15 **Q. And I know we talked about this**
16 **earlier: So if there is anything documented in**
17 **your report in quotes, that's an exact quote**
18 **from the person you're interviewing; is that**
19 **right?**

20 A. That would be correct.

21 **Q. Okay. And you indicated on the record**
22 **that Ms. Friend's response, which was documented**
23 **in your report in quotes, is "So these people**
24 **would leave me the fuck alone," correct?**

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1 A. That is correct.

2 **Q. Who was Ms. Friend referring to when**
3 **she says she wants these people to leave her**
4 **alone?**

5 MR. COYNE: Objection, foundation and
6 speculation.

7 MR. STARR: Join. And mischaracterizes his
8 prior testimony regarding his independent
9 recollection.

10 BY THE WITNESS:

11 A. Would you like me to speculate as to
12 who it was?

13 BY MS. WEST:

14 **Q. No. Only if she told you specifically.**

15 A. Did she say specifically?

16 **Q. Yes.**

17 A. The only people she is referring to is
18 the family and the attorneys --

19 MR. STARR: Belated --

20 THE WITNESS: Oh, the supposed attorneys or
21 whatever they were --

22 MR. STARR: Belated --

23 BY THE WITNESS:

24 A. -- that were coming to her.

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1 MR. STARR: Belated objection. Form,
2 foundation, speculation, and mischaracterizes
3 his prior testimony regarding his independent
4 recollection.

5 BY MS. WEST:

6 Q. The final paragraph there on page 2 --

7 A. Okay.

8 Q. -- do you have a recollection of
9 Ms. Friend telling you that a woman started
10 coming to her home telling her that she was
11 Fletcher's daughter and that Fletcher was a
12 changed man?

13 MR. STARR: Form, foundation, speculation,
14 and mischaracterizes his prior testimony.

15 BY MS. WEST:

16 Q. You can answer.

17 A. Yes.

18 Q. Okay. What specifically do you
19 remember about that conversation relative to the
20 woman who came to Ms. Friend's house and
21 identified herself as Fletcher's daughter?

22 MR. STARR: Same objections.

23 BY THE WITNESS:

24 A. Basically, what's in the -- the

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1 paragraph.

2 BY MS. WEST:

3 Q. In that same paragraph, there is also
4 some quoted language.

5 One, two, three, four -- so the fourth
6 sentence from the bottom the word "advocate" is
7 in quotations; is that correct?

8 A. That's correct.

9 Q. Is that a word that Ms. Friend would
10 have used if you had it in quotes?

11 A. I can't remember if -- if that was a
12 quote from her or me putting something together
13 about some guy who kept coming around and
14 helping -- now as I kind of remember it now --
15 claiming he was there to help people who were
16 wrongfully put in jail. So that would probably
17 be my quote.

18 Q. Okay. And we have looked at a couple
19 paragraphs now here on the second page where
20 Ms. Friend talks about a younger woman who
21 identified themselves as Fletcher's daughter and
22 an older black man who was an advocate.

23 Are we talking about the same people?

24 MR. STARR: Objection to form, foundation.

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1 BY THE WITNESS:

2 A. Okay. This one again, now.

3 BY MS. WEST:

4 Q. Yeah.

5 So did Ms. Friend tell you about more
6 than two people that would come visit her house?

7 MR. STARR: Same objections.

8 BY THE WITNESS:

9 A. It was my opinion they were talking the
10 same person.

11 BY MS. WEST:

12 Q. Okay.

13 A. As far as the daughter goes. The
14 advocate, as I sit here right now, I'm unsure.
15 The person I described as an advocate, I'm
16 unsure if that's the person mentioned in the
17 previous paragraphs.

18 Q. Okay. So just so we are clear, you're
19 not sure if the advocate is the same person that
20 would come to Ms. Friend's house and tell her
21 not to go to court?

22 MR. STARR: Asked and answered.

23 BY THE WITNESS:

24 A. I don't think -- I -- as we sit here

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1 now, I cannot tell you if that's the same tall
2 dark-skinned male that came to Ms. Friend who
3 she described as an uncle. It escapes me right
4 now.

5 BY MS. WEST:

6 Q. Based on your report in that last
7 paragraph on the second page, Ms. Friend
8 indicated to you that the man also interviewed
9 her over the phone.

10 Do you see that? It's the third
11 paragraph.

12 A. Yes.

13 Q. The third sentence from the bottom.

14 A. Correct.

15 Q. And what you've documented here is
16 "Through this 'advocate' she eventually agreed
17 to meet with a female lawyer who worked for
18 Fletcher."

19 Do you see that?

20 A. Yes.

21 Q. Do you know the name of the female
22 lawyer that was working for Fletcher?

23 MR. STARR: Form, foundation, and
24 speculation.

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1 THE WITNESS: Do I --

2 MR. STARR: Mischaracterizes his prior
3 testimony.

4 BY MS. WEST:

5 **Q. Go ahead.**

6 A. Go ahead. Do I -- do I what?

7 **Q. Know the name of the female attorney**
8 **that was working for Fletcher.**

9 MR. STARR: Same objections.

10 BY THE WITNESS:

11 A. No. I do -- I do not. I do not recall
12 her telling me a name.

13 BY MS. WEST:

14 **Q. Do you have an independent recollection**
15 **of Ms. Friend telling you that she met with that**
16 **female lawyer at a restaurant named McArthur's?**

17 MR. STARR: Form, foundation, speculation,
18 and mischaracterizes his prior testimony
19 regarding his independent recollection.

20 BY THE WITNESS:

21 A. She -- she met with a person she
22 described as a female lawyer at McArthur's
23 restaurant.

24

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1 BY MS. WEST:

2 Q. And when she met with that female
3 lawyer at McArthur's, was she presented with an
4 affidavit?

5 A. Yes.

6 Q. And the affidavit that she was
7 presented with, was it already prepared prior to
8 Ms. Friend meeting with that female lawyer?

9 MR. STARR: Objection. Are you asking him if
10 it's what his report states or he has an
11 independent recollection?

12 BY MS. WEST:

13 Q. I am asking you if you have an
14 independent recollection of Ms. Friend telling
15 you that the affidavit that she was presented
16 with was prepared prior to her arrival.

17 A. I have an independent recollection,
18 yes.

19 Q. Okay.

20 A. And it's in the report.

21 Q. Thank you.

22 MR. STARR: Belated objections to form,
23 foundation, speculation, and mischaracterizes
24 his prior testimony.

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1 BY MS. WEST:

2 Q. And just -- just so we are clear, do
3 you have an independent recollection of
4 Ms. Friend telling you that the advocate drove
5 her -- the man who she indicated was the
6 advocate drove her to meet with the lawyer?

7 MR. STARR: Same objections.

8 BY THE WITNESS:

9 A. Do I have an independent recollection?

10 BY MS. WEST:

11 Q. Yes.

12 A. Yes, I do.

13 Q. Okay. And is it also documented in
14 your report?

15 A. Yes, it is.

16 Q. Okay. Documented in your report,
17 Ms. Friend indicated to you that this was the
18 first time she had spoken with the female white
19 lawyer.

20 Do you see that documented?

21 A. Yes.

22 Q. Do you have an independent recollection
23 of walking through Ms. Friend's second
24 affidavit, which was from 2012?

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1 MR. STARR: Form, foundation, speculation,
2 mischaracterizes prior testimony.

3 BY THE WITNESS:

4 A. Yes, I do.

5 BY MS. WEST:

6 Q. And the conversation that you had with
7 Ms. Friend about the second affidavit from 2012,
8 did you document it in your report?

9 A. Yes, I did.

10 Q. Okay. And based on -- strike that.
11 What do you recall Ms. Friend telling
12 you about how the second affidavit came about?

13 MR. STARR: Form, foundation, calls for
14 speculation, mischaracterizes his prior
15 testimony regarding his independent
16 recollection.

17 BY THE WITNESS:

18 A. The same people, I believe, came back
19 to her. That's my recollection.

20 BY MS. WEST:

21 Q. And what's documented in your report is
22 that the same male black advocate drove her to
23 meet with the lawyer; is that what --

24 A. That's correct.

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1 Q. And based on your report, Ms. Friend
2 was again presented with a second affidavit that
3 was already prepared; is that right?

4 A. That's what she said, yes.

5 Q. And Ms. Friend -- documented -- or
6 strike that.

7 Documented in your report, Ms. Friend
8 indicated that -- well -- she believed it was
9 the same female white attorney who presented her
10 with a second affidavit that had also presented
11 her with the first?

12 A. Correct.

13 Q. And what's documented in your report is
14 that Ms. Friend was -- this is the last sentence
15 there in the --

16 A. Where are we at now?

17 Q. We are on the first full paragraph on
18 the third page.

19 A. The third page?

20 Q. Third page, first full paragraph that
21 starts with "Friend."

22 A. Okay.

23 Q. Okay. The last sentence that also
24 starts with "Friend," Ms. Friend indicated to

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1 **you -- and what it says here: "Friend was**
2 **certain she was not interviewed by the male**
3 **black advocate or the heavy-set female white**
4 **lawyer prior to being presented with the second**
5 **affidavit in the restaurant."**

6 **Do you see that?**

7 A. Correct.

8 **Q. Do you recall Ms. Friend telling you**
9 **that?**

10 A. Yes.

11 MR. STARR: Form, foundation, calls for
12 speculation.

13 THE WITNESS: Go ahead. Sorry.

14 MR. STARR: And mischaracterizes his prior
15 testimony regarding his independent
16 recollection.

17 MS. WEST: Did you get that all?

18 THE COURT REPORTER: Yes.

19 BY THE WITNESS:

20 A. Okay. Yes. I have an independent
21 recollection.

22 BY MS. WEST:

23 **Q. The next paragraph there that starts**
24 **with "R/Is," "R/Is asked Friend if she would**

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1 review both affidavits and mark what was true
2 and what was false and make any notations
3 necessary to accurately explain what was written
4 in the affidavit. She agreed."

5 Do you see what -- that documented
6 here?

7 A. Yes, ma'am.

8 Q. And do you have an independent
9 recollection of asking Ms. Friend to go through
10 the affidavits and mark what was true and what
11 was false?

12 A. Yes, ma'am.

13 MR. STARR: Form, foundation, and
14 speculation. Mischaracterizes his prior
15 testimony.

16 BY THE WITNESS:

17 A. Yes, ma'am.

18 BY MS. WEST:

19 Q. And was that at your suggestion?

20 MR. STARR: Same objections.

21 BY MS. WEST:

22 Q. Her walking through the affidavits and
23 marking true or false?

24 A. That was my suggestion. Yes, ma'am.

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1 **Q. Did you ask Ms. Friend to do that so**
2 **that you would have a better understanding of**
3 **what was true and what was false in those**
4 **affidavits?**

5 MR. STARR: Form.

6 BY THE WITNESS:

7 A. Yes.

8 BY MS. WEST:

9 **Q. On the face of the affidavits, do you**
10 **have an independent recollection of Ms. Friend**
11 **also making handwritten notations?**

12 MR. STARR: Same objections: form,
13 foundation, speculation, mischaracterizes prior
14 testimony.

15 BY THE WITNESS:

16 A. Yes.

17 BY MS. WEST:

18 **Q. Third paragraph from the bottom on**
19 **page 3, it starts with "In essence."**

20 A. Okay.

21 **Q. This paragraph seems to be a short**
22 **summary of what Ms. Friend noted relative to the**
23 **affidavits.**

24 **Do you agree?**

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1 MR. STARR: Form, foundation, speculation.

2 BY THE WITNESS:

3 A. Yes.

4 BY MS. WEST:

5 Q. Okay. And, in essence, what did
6 Ms. Friend tell you relative to the affidavits?

7 A. Okay. Want to say that again?

8 Q. Sure.

9 In essence and what is documented in
10 your report, what did Ms. Friend tell you
11 relative to her affidavits?

12 MR. STARR: Form, foundation, speculation.

13 BY THE WITNESS:

14 A. Essentially, she was treated well by
15 the police. No one told her who -- and the
16 State's Attorney, and no one told her who to
17 pick out.

18 BY MS. WEST:

19 Q. In that same paragraph, do you see --
20 let's see. The second to last sentence,
21 Additionally, her notations documented that she
22 only signed both affidavits to get Fletcher's
23 lawyer [sic] to leave her alone.

24 Do you see that?

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1 A. That's correct.

2 **Q. Do you have a memory of her telling you**
3 **that?**

4 A. Yes.

5 MR. STARR: Same objections: form,
6 foundation, speculation, mischaracterizes his
7 prior testimony.

8 MR. COYNE: Just for the record, did you get
9 that down as lawyers, plural, or lawyer,
10 singular, Madam Court Reporter?

11 THE COURT REPORTER: Lawyer singular.

12 MR. COYNE: Okay. Just for the record, the
13 document says lawyers, plural.

14 BY MS. WEST:

15 **Q. Along with your report, Mr. Brannigan,**
16 **you submitted the affidavits that Ms. Friend**
17 **marked.**

18 A. Say it again.

19 **Q. Along with your report when you turned**
20 **it in, did you submit the two affidavits that**
21 **Ms. Friend marked on?**

22 A. Correct, all part of the same report.

23 **Q. All right. You can put that then to**
24 **the side.**

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1 MS. WEST: Do you need a break? Are you okay
2 to keep going?

3 THE WITNESS: Are you guys good?

4 MR. COYNE: Do you need a break? She is
5 asking you if you need a break.

6 MS. WEST: Yeah. Would you like a break?

7 THE WITNESS: Oh, do I need a break?

8 MS. WEST: Yes.

9 THE WITNESS: What are we doing now?

10 MS. WEST: We are going to keep going. So I
11 didn't know if you needed a break.

12 THE WITNESS: Yeah, we can take a break.

13 MR. COYNE: Yeah, take five.

14 THE WITNESS: Okay.

15 (Whereupon, a short break was
16 taken.)

17 (Whereupon, Brannigan Deposition
18 Exhibit No. 2 was marked for
19 identification.)

20 MS. WEST: You have in front of you what we
21 have marked as Brannigan Deposition Exhibit
22 No. 2.

23 For the record, it is Bates-stamped
24 CCSAO-CIU 000419 through 422.

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1 BY MS. WEST:

2 Q. Are you familiar with this document
3 that's in front of you?

4 A. Yes, ma'am.

5 Q. Okay. Is this one of the documents
6 that you reviewed in preparation for your
7 deposition today?

8 A. It appears to be a copy of it, yes.

9 MR. STARR: Okay. And, Allyson, can you tell
10 me what Bates you are looking at?

11 MS. WEST: So I have 419 --

12 MR. STARR: Okay. That's what I have. I
13 just wanted to make sure they're the same.

14 MS. WEST: -- through 422.

15 MR. STARR: I appreciate it.

16 MS. WEST: Yeah. Let's do this: For the
17 record, it is the August 26th, 2011, affidavit
18 that is subsequently dated and marked March 5,
19 2015, just so we know what we're talking about.

20 BY MS. WEST:

21 Q. Mr. Brannigan, on the last page of this
22 document, the fourth page, so the back here --

23 A. There we go.

24 Q. -- do you see your signature?

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1 A. That's my signature -- a copy of my
2 signature, yes.

3 **Q. And do you also see Mr. Carroll's**
4 **signature?**

5 A. Yes.

6 **Q. Okay. And then the -- the name that's**
7 **signed next to yours, whose name is that right**
8 **here?**

9 A. What about it?

10 **Q. Whose name was that?**

11 A. Sheenee Friend.

12 **Q. Okay. And do you have an independent**
13 **recollection of Ms. Friend signing this document**
14 **in your presence?**

15 MR. STARR: Form, foundation, and
16 mischaracterizes his prior testimony. Calls for
17 speculation.

18 BY THE WITNESS:

19 A. Yes, ma'am.

20 BY MS. WEST:

21 **Q. Bear with me, because I want to walk**
22 **through the paragraphs in this affidavit. So**
23 **let's start on page 1, the first paragraph. "In**
24 **March of 2002, I was on parole and was arrested**

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1 **for a parole violation."**

2 **Do you see that?**

3 A. Yes, ma'am.

4 **Q. And next to that, there is a T.**

5 A. Yes, ma'am.

6 **Q. Okay. And is that something that**
7 **Ms. Friend marked to indicate truth?**

8 A. That's correct.

9 **Q. Okay. And the SF next to it, did -- go**
10 **ahead.**

11 A. Go ahead.

12 **Q. Did she mark her initials after she**
13 **indicated T for true?**

14 A. Yes.

15 **Q. Okay. And she did this in your**
16 **presence?**

17 A. That's correct.

18 **Q. Okay. On to the second paragraph,**
19 **"Police arrested me while I was staying at a**
20 **friend's house and brought me to a police**
21 **station at Grand and Central."**

22 **Do you see that?**

23 A. Yes.

24 **Q. And next to that paragraph, what did**

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1 **Ms. Friend indicate?**

2 A. She put a T there and her initials.

3 **Q. And the T is for true?**

4 A. That's correct.

5 **Q. And Ms. Friend was indicating that that**
6 **paragraph -- the contents of that paragraph were**
7 **true?**

8 A. That's correct.

9 **Q. Paragraph 3, While there, were two --**
10 **"While there, two police detectives showed me a**
11 **group of photos of men, all on one page. They**
12 **asked me who did the shooting in December 1990**
13 **and I pointed at" -- and a word is stricken**
14 **out -- and "Fletcher" is written, and then it**
15 **says "picture."**

16 Do you see that?

17 A. Correct.

18 **Q. Okay.**

19 A. I see it.

20 **Q. Where the -- the word is marked out and**
21 **"Fletcher" is written, is that in Ms. Friend's**
22 **handwriting?**

23 A. Is that what?

24 **Q. In Ms. Friend's handwriting?**

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1 MR. STARR: Objection, calls for speculation.

2 BY THE WITNESS:

3 A. That's correct.

4 BY MS. WEST:

5 Q. Okay. And you know that because
6 Ms. Friend documented that in your presence; is
7 that right?

8 A. That's correct.

9 Q. Okay. And back on that first page,
10 Ms. Friend also indicated a T for true next to
11 paragraph 3, correct?

12 A. That's correct.

13 Q. Okay. That first page -- I just want
14 to bring you back to what's documented here at
15 the bottom of that first page.

16 Do you see where it says, "I only
17 signed because Fletcher lawyer would not leave
18 me alone, SF"? Do you see that?

19 A. Yes.

20 Q. Was that something that Ms. Friend
21 documented on this affidavit?

22 A. Yes.

23 Q. And do you know that because she did so
24 in your presence?

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1 A. That's correct.

2 MR. STARR: Objection to form and foundation,
3 speculation. Calls for -- mischaracterizes his
4 prior testimony regarding his independent
5 recollection.

6 BY MS. WEST:

7 **Q. All right. Back to the second page.**
8 **On paragraph 4, which is kind of hard to see,**
9 **paragraph 4 says, "The police then pointed at a**
10 **photo of a different man on the page" --**

11 A. Wait. Time out.

12 **Q. Yeah.**

13 A. Where are we at now?

14 **Q. So the second page -- the first**
15 **paragraph on the second page here. It's kind of**
16 **hard to see.**

17 A. Got you.

18 **Q. But it has a number 4.**

19 A. All right. Thank you.

20 **Q. Yeah.**

21 **"The police then pointed at a photo of**
22 **a different man on that page and said something**
23 **like, 'That's right. This is the one.' They**
24 **said he was 'Fletcher' and told me -- told me**

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1 **Terry Rogers knew Fletcher and they planned the**
2 **robbery together. I marked or initialed the**
3 **photo..." And then the next -- the end of the**
4 **sentence is marked out, and it says "Fletcher."**

5 **Did Ms. Friend mark out the remainder**
6 **of paragraph 4 and write "Fletcher" in?**

7 MR. STARR: I'm going to object to it
8 mischaracterizes the evidence. I don't know if
9 that necessarily constitutes marking out the
10 rest of the paragraph.

11 BY THE WITNESS:

12 A. Yes, she did.

13 BY MS. WEST:

14 **Q. And over on the side next to that**
15 **paragraph, did Ms. Friend put an F to indicate**
16 **false?**

17 MR. STARR: I'm also going to object to that,
18 because it appears there is something that's
19 been written over there. But go ahead.

20 We are talking about the second -- or
21 the first full paragraph on the second page,
22 right?

23 MS. WEST: Correct.

24 MR. STARR: It appears to me that there is a

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1 letter that's been written over based on my
2 review of the document.

3 MS. WEST: Oh, what number? Number 4. Okay.

4 MR. STARR: I said -- well, I said a letter.
5 You said number.

6 BY MS. WEST:

7 Q. Do you see an F there to indicate
8 false?

9 A. Let's -- let's go back. Where are
10 we -- I see an F, but where are we talking?

11 Q. We are talking this first full
12 paragraph on page 2.

13 A. The first full paragraph. I think
14 that's paragraph 4.

15 Q. Correct.

16 A. Can we agree on that? Okay. Yes. I
17 see the letter F for false there.

18 Q. Okay. Do you also see in the margin on
19 the left-hand side where it says, "Police didn't
20 tell me who to pick out, SF"?

21 Do you see that?

22 A. Yes.

23 Q. Is that something that Ms. Friend
24 documented on this affidavit in your presence?

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1 MR. STARR: Form, foundation, calls for
2 speculation.

3 BY THE WITNESS:

4 A. Yes, yes.

5 BY MS. WEST:

6 Q. And so far what we've walked through in
7 this affidavit is consistent with what you
8 documented in your report, correct?

9 MR. STARR: Objection to form.

10 BY THE WITNESS:

11 A. That is correct.

12 BY MS. WEST:

13 Q. All right. On to paragraph 5 at the
14 bottom of page 2.

15 A. Okay.

16 Q. Okay. "Several weeks later, police
17 picked me up while I was on house arrest. They
18 took me to Central and Grand to view a lineup.
19 They told me to pick out who did the shooting,
20 and I picked out the man" -- and the next few
21 words are stricken out. And above it it's
22 written, "who I saw shooting" -- then the
23 sentence continues -- "weeks earlier in the
24 group of photos."

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1 **Do you see that?**

2 MR. STARR: Object -- object to form and,
3 again, mischaracterization of the evidence.

4 BY THE WITNESS:

5 A. Yes.

6 BY MS. WEST:

7 **Q. Do you recall Ms. Friend marking a**
8 **portion of paragraph 5 out and indicating the**
9 **words "who I saw shooting"?**

10 MR. STARR: Form, foundation, and
11 speculation.

12 BY MS. WEST:

13 **Q. You can answer.**

14 A. Yes.

15 **Q. And next to the paragraph 5, there is a**
16 **T to indicate true.**

17 **Do you see that?**

18 A. Yes.

19 **Q. Okay. And that was also documented by**
20 **Ms. Friend in your presence, correct?**

21 A. That's also what?

22 **Q. Documented by Ms. Friend in your**
23 **presence.**

24 MR. STARR: Speculation.

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1 BY THE WITNESS:

2 A. Yes.

3 BY MS. WEST:

4 Q. All of these changes that Ms. Friend
5 makes on the affidavit are initialed by her,
6 correct?

7 A. All the what?

8 Q. The changes and notations that she
9 makes are initialed by her?

10 A. They are initialed by her. If she made
11 the changes, she wrote them.

12 MR. STARR: Form, foundation,
13 mischaracterizes the evidence.

14 BY MS. WEST:

15 Q. Okay. Let me clear it up.

16 All the marks that we have gone through
17 so far are those that Ms. Friend herself did on
18 the affidavit, correct?

19 MR. STARR: Same objection.

20 BY THE WITNESS:

21 A. The ones we went through?

22 BY MS. WEST:

23 Q. Correct.

24 A. Correct.

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1 **Q. Next page, page 3, paragraph 6, "When I**
2 **testified at Fletcher's trial, I was locked up**
3 **in the Cook County Jail."**

4 **Do you see that?**

5 A. Yes.

6 **Q. And next to that paragraph, what did**
7 **Ms. Friend indicate?**

8 A. There is a T and then the initials SF.

9 **Q. And the T stands for true, correct?**

10 A. Correct.

11 **Q. And Ms. Friend documented that in your**
12 **presence?**

13 A. That's correct.

14 **Q. In paragraph 7, "I was taken to court**
15 **in my jail uniform and testified at the trial."**

16 **Do you see that?**

17 A. Yes.

18 **Q. Okay. And what did Ms. Friend indicate**
19 **as to that paragraph?**

20 A. That handwriting that's there.

21 **Q. So we will get to that. Let me ask**
22 **you: Do you see a T or an F next to that here?**

23 A. Oh, that's what we are talking about?

24 **Q. Yes.**

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1 A. I see a T and the initials SF.

2 Q. And under paragraph 7, there is a
3 sentence that says, "Why ID Fletcher in court
4 and say he did it when she didn't know?"

5 Do you see that?

6 A. Yes.

7 Q. Do you know who wrote that on this
8 document?

9 A. No.

10 Q. Okay. Paragraph 8, "At the time of the
11 crime, I told police I could not identify who
12 did the crime."

13 Do you see that?

14 A. Yes.

15 Q. Okay. And next to paragraph 8 on the
16 side, did Ms. Friend indicate true or false as
17 to that paragraph?

18 A. There is an F there indicating false.

19 Q. Okay. Aside from Ms. Friend
20 documenting on the front of this affidavit that
21 she only signed this document because Fletcher's
22 lawyer wouldn't leave her alone, do you have an
23 independent recollection of her telling you
24 that?

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1 MR. STARR: Form, foundation, asked and
2 answered, calls for speculation,
3 mischaracterizes his prior testimony.

4 BY THE WITNESS:

5 A. Yes.

6 BY MS. WEST:

7 Q. All right. Last page, page 4 of the
8 document, paragraph 9, "At one point, the police
9 detectives wrote a letter to the parole board
10 letting the board know that I was cooperating
11 with them in a murder investigation."

12 Do you see that?

13 A. Yes.

14 Q. And what did Ms. Friend indicate as to
15 that paragraph?

16 A. She put her initials next to the
17 letter T for truth.

18 MS. WEST: All right. You can put that one
19 aside. I am going to give you what we will mark
20 as Exhibit 3. For the record, this is --
21 Exhibit 3 is CCSAO-CIU 000423.

22 (Whereupon, Brannigan Deposition
23 Exhibit No. 3 was marked for
24 identification.)

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1 BY MS. WEST:

2 Q. Mr. Brannigan, I'm sorry to back you up
3 really quick. The Exhibit 2 that we were just
4 looking at, there is a date of March 5, 2015, on
5 the back.

6 Do you see that?

7 A. Yes.

8 Q. Okay. And as documented in your
9 report, that's the date that you met with and
10 interviewed Ms. Friend, correct?

11 A. Correct.

12 Q. Okay. All right. Sorry. Now we can
13 move on to 3.

14 Do you have -- Mr. Brannigan, are you
15 familiar with this document that's in front of
16 you?

17 A. Yes.

18 Q. Is this a document that you reviewed in
19 preparation for your deposition today?

20 A. Yes.

21 Q. Do you have an independent recollection
22 of walking through this specific affidavit with
23 Ms. Friend on March 5th, 2015?

24 MR. STARR: Form, foundation, calls for

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1 speculation, mischaracterizes his prior
2 testimony regarding his independent
3 recollection.

4 BY THE WITNESS:

5 A. Yes.

6 BY MS. WEST:

7 Q. All right. I'm going to walk you
8 through these paragraphs as well. Let me back
9 up just one step.

10 Did you have Ms. Friend do the same
11 indications for true and false on this affidavit
12 as you did with the 2011 affidavit?

13 A. Yes.

14 Q. Okay. Paragraph 1, "I was a witness to
15 a shooting that occurred on December 21, 1990,
16 that resulted in the death of Willie Sorrell."

17 Do you recall that?

18 A. Yes.

19 Q. And over to the left-hand side, it
20 appears that Ms. Friend indicated T for true; is
21 that right?

22 A. Yes.

23 Q. And she has also documented her
24 initials, correct?

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1 A. Correct.

2 Q. Okay. And that was done in your
3 presence, right?

4 A. That's correct.

5 Q. Okay. Paragraph 2, "I have previously
6 given an affidavit dated August 26, 2011."

7 Do you see that?

8 A. Yes.

9 Q. Okay. And Ms. Friend on the left-hand
10 side of this document indicated that that
11 paragraph was true as well, correct?

12 A. Correct.

13 Q. Paragraph 3, "After talking to Jennifer
14 Blagg, Jim Fletcher's attorney, I realized that
15 I knew additional facts that were relevant to
16 Fletcher's case. This affidavit is a supplement
17 to my prior affidavit."

18 Do you see that?

19 A. Yes.

20 Q. Okay. And next to paragraph 3, what
21 did Ms. Friend indicate?

22 A. That's an F, as in false, and her
23 initials.

24 Q. And, again, as we are walking through

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1 **this, all these notations that Ms. Friend made**
2 **were done in your presence; is that right?**

3 A. That's correct.

4 **Q. Now, paragraph 4 -- oh, strike that.**
5 **Let me ask you one question about the 3 before I**
6 **move on.**

7 **Paragraph 3, do you have an independent**
8 **recollection of Ms. Friend talking to you about**
9 **how this supplemental affidavit came about?**

10 MR. STARR: Objection, form, foundation,
11 calls for speculation, mischaracterizes his
12 prior testimony regarding his independent
13 recollection.

14 BY THE WITNESS:

15 A. Yes.

16 BY MS. WEST:

17 **Q. What do -- what do you recall?**

18 MR. STARR: Same objections.

19 BY THE WITNESS:

20 A. I presented them to her, and she said,
21 "These are the affidavits that these people came
22 to me with."

23 BY MS. WEST:

24 **Q. All right. Paragraph 4, "As I**

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1 previously said, when the police showed the
2 photos, they told me that Fletcher was the one
3 that I should pick. They told me that Terry
4 Rogers told them it was Fletcher who did it.
5 They also told me that Fletcher was a really bad
6 guy, and he was in jail for a robbery. They
7 said his background was messed up, and he -- and
8 he [sic] violent background. I thought he was a
9 bad guy based on what they told me. They said
10 that the dude who did the crime with Fletcher
11 had gone south to Mississippi."

12 Do you see that in paragraph 4?

13 A. Yes.

14 Q. Okay. And what did Ms. Friend indicate
15 as to paragraph 4?

16 A. There is an F there, as in false, and
17 then her initials.

18 Q. All right. On to paragraph 5, "When
19 the police took me to the station to view the
20 lineup, they had me hidden in a room. I could
21 hear this lady lawyer tripping outside the room.
22 I could hear everything she was saying to the
23 police, and she was arguing about viewing the
24 lineup with me. I could see that she was the

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1 lawyer for the guy that the police told me to
2 pick out of the photo array, which was the same
3 man that they told me that Terry Rogers had
4 picked out. The police had me view the lineup
5 without the lady lawyer in the room with me. I
6 knew who to pick because it was the same guy
7 that the police pointed out before."

8 Do you see that?

9 A. Yes.

10 Q. Okay. And it looks like documented in
11 the left-hand margin it says, "I remember" --

12 A. I believe that's "some arguing."

13 Q. Thank you.

14 "I remember some arguing, but the
15 office [sic] didn't tell me who to pick out."

16 Do you see that?

17 A. Correct.

18 Q. Did I read that correctly, or do you
19 read it a different way?

20 A. That's what I read.

21 Q. Okay. And did Ms. Friend document
22 that?

23 A. Pardon?

24 Q. Did Ms. Friend document that on this

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1 document?

2 A. Yes, with her initials.

3 Q. Okay. And was that relative to the
4 contents of paragraph 5?

5 MR. STARR: Objection, form, foundation. It
6 calls for speculation. It assumes facts not in
7 evidence and mischaracterizes the prior
8 testimony regarding his independent
9 recollection.

10 BY THE WITNESS:

11 A. Yes.

12 BY MS. WEST:

13 Q. All right. Paragraph 6, "I honestly
14 don't remember what the guy really looked like
15 who did the robbery in December of 1990. All I
16 remember about him was he was a big guy. I
17 couldn't see the face because he snatched me
18 back through the truck."

19 Do you see that?

20 A. Yes.

21 Q. And next to that, after the sentence
22 that ends in "truck," it looks like it says, "I
23 did remember."

24 Do you see that?

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1 A. Yes.

2 Q. Is that something that Ms. Friend noted
3 on this document?

4 A. Yes.

5 Q. Okay. And then in paragraph 6 on the
6 left-hand side, what did she indicate about this
7 paragraph?

8 A. She put the letter F, as in false.

9 Q. On to paragraph 7, "The police had a
10 warrant for my arrest just so I would testify.
11 I didn't go to court at first because I didn't
12 want to testify. After I testified, they let me
13 go."

14 Do you see that?

15 A. Yes.

16 Q. And next to that paragraph, what did
17 Ms. Friend indicate, true or false?

18 A. She indicated with her initials and
19 then the letter T for true.

20 Q. Does it also look like she drew, like,
21 an arrow to indicate to paragraph 7?

22 A. Yes.

23 Q. Okay. On paragraph 8, "I have always
24 wondered if I put the wrong person away. If I

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1 did, I want to correct it, and that's why I'm
2 coming forward now."

3 Do you see that?

4 A. Yes.

5 Q. Okay. And then after that typed
6 paragraph, Ms. Friend wrote, "I never say it or
7 never thought it."

8 Do you see that?

9 A. Yes.

10 Q. And that's something that Ms. Friend
11 documented on this affidavit?

12 A. Yes.

13 Q. Okay. And also, with regard to
14 paragraph 8, what did she indicate as far as
15 true or false?

16 A. She indicated F, as in false.

17 MR. STARR: A belated objection to foundation
18 for that one.

19 BY MS. WEST:

20 Q. On to paragraph 9, "I have" --

21 A. On to what?

22 Q. Paragraph 9, the last paragraph here.
23 "I have not been promised anything in return for
24 giving this affidavit. I am willing to testify

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1 **at an evidentiary hearing on James Fletcher's**
2 **behalf."**

3 **Do you see that?**

4 A. Correct.

5 **Q. Okay. And what did Ms. Friend indicate**
6 **next to that, true or false?**

7 A. F.

8 MR. STARR: Objection to foundation.

9 BY THE WITNESS:

10 A. False.

11 BY MS. WEST:

12 **Q. And down at the bottom of this**
13 **document, there is an additional sentence**
14 **written and initialed by Ms. Friend.**

15 **Do you see that?**

16 A. Back up again.

17 **Q. Sure.**

18 A. Where are we looking at? And start
19 with the one -- the paragraph 9.

20 **Q. Correct. That's what we were looking**
21 **at, paragraph 9.**

22 A. Okay. "Not been promised..." "I am
23 willing to testify at an evidentiary hearing on
24 James Fletcher's behalf."

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1 MR. COYNE: You testified there was an F
2 there.

3 THE WITNESS: Pardon?

4 MR. COYNE: You testified there was an F next
5 to number 9. That was where we left off before
6 we moved to the bottom.

7 BY THE WITNESS:

8 A. A lot of chicken scratch in here. Yes.
9 Okay. I see the F in paragraph 9. Right.
10 Okay. That's correct.

11 MR. COYNE: Good.

12 THE WITNESS: All right. I got it.

13 BY MS. WEST:

14 **Q. And at the bottom of this document, do**
15 **you see additional handwriting or a sentence**
16 **that Ms. Friend wrote on this affidavit in your**
17 **presence?**

18 A. Yes.

19 **Q. Okay. And what does that say?**

20 A. "I only signed because Fletcher lawyer
21 would not leave me alone."

22 **Q. And did Ms. Friend initial that**
23 **sentence as well?**

24 A. Yes.

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1 **Q. And did she also sign her name and date**
2 **it next to that sentence?**

3 A. Yes.

4 **Q. Okay. And, again, Ms. Friend did all**
5 **of these markups and additions in your presence,**
6 **correct?**

7 A. Correct.

8 **Q. And the indications and additions by**
9 **Ms. Friend are consistent with the substance**
10 **that you documented in your report?**

11 MR. STARR: Form, foundation.

12 BY THE WITNESS:

13 A. Correct.

14 MR. STARR: Did we lose somebody?

15 MS. WEST: No. She is still on there.

16 MR. STARR: Good.

17 MS. WEST: Okay. Mr. Brannigan, let me show
18 you what we will mark as Exhibit 4.

19 For the record, this is CCSAO-CIU 390
20 through 391.

21 MR. STARR: Was it just one page that you --

22 MS. WEST: Yeah. So it's, like, front and
23 back, but the back has been redacted.

24 MR. STARR: Okay. So it's two pages, yeah.

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1 Okay. I just want to make sure.

2 MS. WEST: I think I did put it on -- for the
3 record, it's --

4 THE COURT REPORTER: Yes.

5 MS. WEST: Okay.

6 (Whereupon, Brannigan Deposition
7 Exhibit No. 4 was marked for
8 identification.)

9 BY MS. WEST:

10 Q. All right. Mr. Brannigan, have you
11 ever seen this e-mail? It's a copy of an
12 e-mail.

13 A. Yes, I believe so.

14 Q. Okay. Did you review this copy of an
15 e-mail prior to your deposition today?

16 A. If I did, it wasn't recent. I -- I
17 don't know.

18 Q. Okay.

19 A. I can't answer that right now.

20 Q. Based on the top of this document, is
21 this an e-mail that you yourself sent to someone
22 named Michael?

23 A. Okay. This appears to be a copy of an
24 e-mail I sent to a Michael. And just for the

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1 record, this is probably one of the highest tech
2 things I did at that time, an e-mail as opposed
3 to just calling. Yeah. I'm guessing, yeah.
4 Okay. I got this.

5 **Q. And do you -- based on the e-mail**
6 **address that you're sending this to, could you**
7 **tell who Michael is?**

8 A. Yes.

9 **Q. Who is that?**

10 A. His name is Michael Berthay,
11 B-E-R-T-H-A-Y.

12 **Q. And who is Michael Berthay?**

13 A. Mike? I don't know what he was at that
14 time. He -- he may have been, like, the
15 equivalent of the chief of detectives for the
16 northern half of Mississippi Highway Patrol, or
17 he may have been the generalissimo of the
18 highway patrol. I have known him for many
19 years.

20 **Q. Okay. So you knew Michael prior to the**
21 **date of this e-mail, which was October 2nd,**
22 **2014?**

23 A. From previous cases, yes.

24 **Q. Okay.**

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1 A. Nothing related to this case.

2 Q. And why did you -- why did you reach
3 out to Michael?

4 A. Apparently, something indicated that
5 Terry Rogers was down in Mississippi or may be
6 down -- an individual named Terry Rogers may be
7 down in Mississippi, and he was one of the
8 characters attached to this case. I don't
9 remember if we were supposed to interview him or
10 what we were supposed to do with him as I sit
11 here now.

12 Q. Okay. And that's my next question: Do
13 you have an independent recollection of who
14 Terry Rogers is and how he is involved in
15 Mr. Fletcher's case?

16 A. I -- I would be guessing. I just
17 really -- I have no idea really.

18 Q. And do you have an independent
19 recollection of being tasked with locating and
20 interviewing Terry Rogers?

21 A. It rings a bell is the best I can say.

22 Q. Do you have an independent recollection
23 if you ever made contact with Terry Rogers?

24 A. I've seen nothing to refresh my memory

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1 that would make me aware of that right now.

2 **Q. Maybe I asked you this already, but do**
3 **you have an independent recollection of being**
4 **assigned to locate Terry Rogers?**

5 A. I -- I may have. I don't know. I
6 cannot answer that. I maybe had been doing it
7 for somebody else, but I do believe it was
8 assigned -- it was an individual with this case.
9 That's the best I can tell you at this moment as
10 I sit here right now.

11 **Q. Based on this e-mail, can you tell if**
12 **you ever traveled to Mississippi to try to**
13 **locate Mr. Rogers?**

14 MR. STARR: Objection, foundation.

15 THE WITNESS: Pardon me?

16 MR. STARR: Foundation.

17 BY MS. WEST:

18 **Q. You can answer.**

19 A. I don't recall traveling to Mississippi
20 to look for a Mr. Terry Rogers.

21 MS. WEST: The last sentence -- sorry, John.
22 We'll take a break after this.

23 MR. COYNE: No. Go ahead. Keep going.
24

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1 BY MS. WEST:

2 Q. The last sentence says, "Need to get
3 down there in the next two weeks or so."

4 Do you see that?

5 A. Yes.

6 Q. Okay. Does that refresh your memory as
7 to if you ever went down to Mississippi to look
8 for Mr. Rogers?

9 A. I -- as I sit here right now, I -- I
10 don't believe I went down there. I don't know
11 if -- I have no idea of why I did or did not go
12 down there.

13 Q. Do you have an independent recollection
14 of receiving information that Mr. Rogers was, in
15 fact, in Mississippi?

16 A. Not really, no. Not now. I have seen
17 nothing to refresh my memory. This would
18 suggest I did, but --

19 Q. Do you have an independent recollection
20 of being tasked with locating and interviewing
21 any other witnesses relative to James Fletcher's
22 case?

23 A. I seem to recall other witnesses, but
24 my best recollection is the only one we ended up

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1 doing is Ms. Friend, and it happens that way
2 sometimes. It -- they waive off on the other
3 witnesses. I just couldn't tell you how many
4 more there were and if we interviewed any more.
5 And my best recollection as I sit here right now
6 is we did not interview any more.

7 **Q. Does the name Edward Cooper ring a bell**
8 **to you as a witness that you were tasked with**
9 **interviewing?**

10 A. I remember the name. I believe he was
11 the victim of the initial robbery.

12 **Q. Do you have an independent recollection**
13 **of attempting to locate and speak with him?**

14 A. As I sit here right now, I -- I don't.
15 I don't have any -- anything that would refresh
16 my memory.

17 **Q. How about, are you familiar with an**
18 **individual by the name of Emmett Wade?**

19 A. I'm drawing a complete blank on Emmett
20 Wade as I sit here right now.

21 **Q. If you had spoken with any other**
22 **witness relative to Mr. Fletcher's case, would**
23 **you have documented it in a report much like you**
24 **did for Ms. Friend?**

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1 MR. COYNE: Objection, foundation,
2 speculation.

3 MR. STARR: Join.

4 BY THE WITNESS:

5 A. Yes.

6 BY MS. WEST:

7 Q. Was it your custom and practice as an
8 investigator with the State's Attorney's Office
9 to document any interview that you had with a
10 witness in a report?

11 A. Yes.

12 Q. Once you're tasked with an assignment
13 such as locating and interviewing a witness, are
14 you provided with any other details about that
15 specific witness?

16 A. Yes.

17 Q. What details are you provided?

18 A. Pardon me?

19 MR. STARR: Objection to form and foundation,
20 vague.

21 MR. COYNE: Join.

22 BY MS. WEST:

23 Q. What details are you provided?

24 A. I'm -- just a witness in general, what

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1 is my procedure?

2 **Q. Correct.**

3 A. Or what is the procedure of the office?

4 MR. COYNE: What details were you provided is
5 the question.

6 BY MS. WEST:

7 **Q. Sure. Let's back up.**

8 A. On any witness?

9 **Q. Correct.**

10 A. What details I'm provided?

11 **Q. Mm-hmm.**

12 A. Sometimes it's nothing more than a
13 nickname. Sometimes it's a pile of stuff. It
14 would depend on each individual case.

15 **Q. Do you pull police reports or criminal**
16 **histories or any other documentation to try to**
17 **inform you as to the specific witness that**
18 **you're attempting to locate?**

19 MR. COYNE: Objection, foundation.

20 THE WITNESS: I'm sorry?

21 MR. COYNE: I objected on foundation. You
22 can answer.

23 BY THE WITNESS:

24 A. Okay. So let's say that again. Do I?

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1 BY MS. WEST:

2 **Q. Do you?**

3 A. On occasion, I do. Sometimes they are
4 presented to me.

5 MS. WEST: All right. Give me one -- one
6 minute. I may be done. I'm just going to look
7 over my notes.

8 I don't think I have anything else,
9 Mr. Brannigan.

10 THE WITNESS: Pardon me?

11 MS. WEST: I don't have any other questions
12 right now. Some other attorneys may. Thank
13 you.

14 THE WITNESS: Yes, ma'am.

15 MS. MORRISON: I don't have any questions.
16 Thank you.

17 THE WITNESS: Yes, ma'am.

18 MR. STARR: I have a few questions.

19 THE WITNESS: Yes, sir.

20 EXAMINATION

21 BY MR. STARR:

22 **Q. All right. Good afternoon,**
23 **Mr. Brannigan. As I previously --**

24 A. I'm sorry?

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1 Q. As I previously -- I said good
2 afternoon. And as I previously mentioned, my
3 name is Sean Starr, and I represent Mr. Fletcher
4 who is the plaintiff in this matter.

5 A. Yes, sir.

6 Q. And I understand that you have some
7 issues with your hearing. I want to be
8 respectful of that.

9 A. Okay.

10 Q. So if say something you don't hear
11 perfectly well --

12 A. Okay.

13 Q. -- please ask me to rephrase it --

14 A. Yes.

15 Q. -- and I'll restate it.

16 So based on your testimony today, you
17 worked at the State's Attorney's Office from
18 approximately January of 2005 until December of
19 2021; is that correct?

20 A. Yes.

21 Q. Okay. And prior to your employment at
22 the State's Attorney's Office, is it correct
23 that you were employed by the Chicago Police
24 Department?

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1 A. Yes.

2 Q. Okay. And could you give me your --
3 the date that you started working for the police
4 department and the date that you left the police
5 department?

6 A. 6 January '69 is when I started. And I
7 left in January of '05.

8 Q. Okay. So it sounds like you've had
9 a -- you had a fairly long career at --

10 A. Yes.

11 Q. -- at the Chicago Police Department and
12 a fairly long career at the State's Attorney's
13 Office; is that correct?

14 A. That's correct.

15 Q. And you retired in 2021.

16 Are you currently employed, sir?

17 A. No, sir.

18 Q. Okay. Are you collecting a pension
19 with the sheriff or police department?

20 MR. COYNE: Irrelevant. Objection.

21 Go ahead.

22 BY THE WITNESS:

23 A. From the police department, yes, sir.

24

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1 BY MR. STARR:

2 Q. Do you collect a pension from the
3 State's Attorney's Office?

4 MR. COYNE: Same objection. It's not
5 relative to any claim or defense.

6 Go ahead.

7 BY THE WITNESS:

8 A. Yes, sir.

9 BY MR. STARR:

10 Q. Are you familiar with the 1975 movie
11 starring John Wayne titled "Brannigan"?

12 A. Yes, sir.

13 Q. Are you the real-life inspiration of
14 that movie, sir?

15 A. No, sir. I have never seen the whole
16 movie, but I caught, you know, bits and pieces
17 of it.

18 Q. Well, so you had nothing to do with the
19 making of that movie?

20 A. No. But I did get picked on.

21 Q. Because it's about a Chicago police
22 officer, if I understand correctly, who travels
23 to London to investigate a crime and it's titled
24 "Brannigan."

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1 A. No. I never traveled to London.

2 **Q. Okay.**

3 A. A lot of other places, but not London
4 in my cops and robbers career.

5 **Q. Okay. All right. I just wanted to**
6 **make sure.**

7 So I have heard a couple of things
8 about you at the State's Attorney's Office, and
9 I wanted you to tell me if these reputational
10 things are correct. What --

11 A. I'm sorry. Say it again?

12 THE COURT REPORTER: Slow down, maybe.

13 MR. STARR: Sure. Thanks.

14 BY MR. STARR:

15 **Q. I have heard a couple of things about**
16 **your work at the State's Attorney's Office, and**
17 **I wanted to ask you if you would agree with**
18 **these reputational things that I've heard about**
19 **you.**

20 One is that everybody at the State's
21 Attorney's Office loves Danny Brannigan; is that
22 correct?

23 MS. MORRISON: Object to form.

24 MS. WEST: Yeah.

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1 MR. COYNE: Objection to form.

2 MS. WEST: Join.

3 MR. COYNE: I objected to form.

4 You can answer if you -- if you
5 understand.

6 BY THE WITNESS:

7 A. I don't know that.

8 BY MR. STARR:

9 **Q. You don't know?**

10 A. I don't know that for sure.

11 **Q. Okay.**

12 A. I'm sure -- I'm certain there is some
13 people that don't think well of me.

14 **Q. Okay. All right. That's fair.**

15 **And then I've also heard that you**
16 **are -- your reputation -- strike that.**

17 **I have also heard that your reputation**
18 **involves being very adept at getting people who**
19 **have given recanted affidavits to recant their**
20 **recantations; is that correct?**

21 MR. COYNE: Objection, form, foundation.

22 MS. WEST: Objection, form.

23 MR. COYNE: Hang on. Objection, form,
24 foundation, incomplete hypothetical --

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1 MS. MORRISON: Join.

2 MS. WEST: Join.

3 MR. COYNE: Go ahead, and repeat my objection
4 to form.

5 THE WITNESS: Let's do that one again.

6 MR. COYNE: Hang on, Dan.

7 THE WITNESS: Yeah.

8 MR. COYNE: Objection, form, foundation,
9 incomplete hypothetical, and requires
10 speculation.

11 Go ahead and answer if you can.

12 MS. WEST: Join.

13 MS. MORRISON: Join.

14 THE WITNESS: All right.

15 BY MR. STARR:

16 Q. Do you want me to ask it again?

17 A. Yeah.

18 Q. Okay.

19 A. Please.

20 Q. So my question essentially is, do you
21 agree with this reputational -- this reputation,
22 that you have a reputation of being very good at
23 getting people who have given affidavits
24 recanting their prior testimony to recant that

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1 **recantation?**

2 **Do you agree with that?**

3 MR. COYNE: Same objections.

4 MS. WEST: Join.

5 BY THE WITNESS:

6 A. I would say I'm -- I work hard. I
7 would say I'm objective. I would say I'm fairly
8 good at it. I don't know that I'm really good
9 at it. And sometimes I just get lucky because
10 people are tired of being harassed.

11 BY MR. STARR:

12 **Q. Okay. That's fair.**

13 **And, sir, have you been -- I'm not sure**
14 **if Ms. West asked you this: Have you been**
15 **deposed before?**

16 A. Yes, sir.

17 **Q. Okay. On how many occasions have you**
18 **been deposed?**

19 A. I didn't --

20 **Q. How many occasions have you given a**
21 **deposition?**

22 A. Lots. I couldn't even give you a
23 guesstimate.

24 **Q. Okay. Would you say it was more than**

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1 **ten times you have been deposed?**

2 MR. COYNE: Objection, foundation.

3 Go ahead.

4 BY THE WITNESS:

5 A. I really couldn't give you anything
6 with any accuracy. I remember one time I said
7 less than a thousand. Probably -- probably --
8 yeah. I get confused with depositions and trial
9 prep and everything else. But I really just
10 can't give you an answer, but many times, sir.

11 BY MR. STARR:

12 **Q. Okay. That's fair. And I'm not trying**
13 **to confuse you.**

14 A. Right. No. Right.

15 **Q. I believe that my firm Loevy & Loevy**
16 **has deposed you at least on two occasions, once**
17 **in the McIntosh case and then another time in**
18 **the Nathson Fields cases.**

19 Do you --

20 A. Okay.

21 **Q. Do you recall being deposed --**

22 A. I --

23 **Q. -- in those cases?**

24 A. I recall being deposed in, yeah, both

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1 of them.

2 Q. Okay. All right. Do you recall
3 whether or not you have been deposed by
4 Loevy & Loevy in any other cases?

5 A. Not as I sit here right now.

6 Q. Okay. So when you -- you left the
7 police department in 2000- -- January of 2005.

8 How long before you started working at
9 the State's Attorney's Office?

10 A. Say it again.

11 Q. How long after you retired from the
12 Chicago -- oh, actually, I --

13 A. Oh, did I go to the State's
14 Attorney's --

15 Q. Yeah. Let me -- let me just strike
16 that.

17 Did you retire from the Chicago Police
18 Department?

19 A. Yes.

20 Q. Okay. How long after you retired from
21 the Chicago Police Department did you start
22 working for the State's Attorney's Office?

23 A. I quit the police department on a
24 Friday, and I started with the State's

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1 Attorney's Office on a Monday.

2 Q. Okay. So only a weekend in between?

3 A. That's how I recall it, yeah.

4 Q. Okay.

5 A. That weekend.

6 Q. And how did your employment with the
7 State's Attorney's Office come to be?

8 A. How --

9 MR. COYNE: Objection, form.

10 Go ahead.

11 BY THE WITNESS:

12 A. How did it come to be?

13 BY MR. STARR:

14 Q. Yeah.

15 Did you -- did you fill out an
16 application? Did someone --

17 A. Yes, yes.

18 Q. -- recruit you?

19 A. Yes, I did.

20 Q. Okay. You filled out an application?

21 A. Filled out an application and was
22 recruited, yes.

23 Q. Okay. And would that -- would you have
24 filled out an application prior to your

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1 **retirement from the police department?**

2 A. Yes.

3 **Q. Okay. Would you characterize it as a**
4 **planned transition from one job to the other?**

5 A. No. It was a couple things I was
6 looking at, and that's the one that popped.

7 **Q. Okay. Was there any reason why you**
8 **chose to leave the Chicago Police Department?**

9 A. Time to retire.

10 **Q. Okay.**

11 A. And a job -- and a job opened up. Time
12 to retire and a job opened up.

13 **Q. Okay. And so did your experience at**
14 **the Chicago Police Department help you get a job**
15 **at the State's Attorney as far as you understood**
16 **it?**

17 MR. COYNE: Objection, form, foundation.

18 Go ahead.

19 BY THE WITNESS:

20 A. Of course it would.

21 BY MR. STARR:

22 **Q. And how come?**

23 A. Investigative background.

24 **Q. All right.**

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1 A. I was a detective for many years.

2 **Q. Okay. So can you give me a general**
3 **overview of the assignments and the positions**
4 **you had at the Chicago Police Department?**

5 A. In the police department?

6 **Q. Yeah.**

7 A. Patrol. Everybody goes there, right?
8 Tac team. I made detective in '74. Made
9 sergeant in June of '86. February of '74,
10 detective; June of '86, sergeant.

11 **Q. And you retired as a sergeant; is that**
12 **correct?**

13 A. Correct.

14 **Q. Okay. And am I correct that during**
15 **your tenure at the Chicago Police Department,**
16 **you worked in the cold case unit or squad; is**
17 **that correct?**

18 A. When I -- that's where I retired from,
19 yes.

20 **Q. Okay. And how many years were you in**
21 **the cold case unit?**

22 A. Maybe five.

23 **Q. So approximately 2000 to 2005 you were**
24 **in the cold case unit?**

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1 A. Approximately?

2 Q. 2000 to 2005.

3 A. Yes. That's where I retired from.

4 Q. And was the cold case unit an
5 area-specific unit or was it a citywide unit?

6 A. It was citywide.

7 Q. And was it -- is it correct that the
8 cold case unit that was citywide was located out
9 of Homan Square? Is that where your office was?

10 A. That is correct.

11 Q. And was it for the duration of your
12 time in the cold case unit located at Homan
13 Square?

14 A. Initially, while the offices at Homan
15 Square were being prepared, it was at the new
16 police headquarters at 35th and Michigan.

17 Q. And do you know what --

18 A. That was maybe nine months, eight
19 months.

20 Q. Okay. So at some point of 2000 -- in
21 the year -- approximately the year 2000, and
22 after that it was at Homan Square?

23 A. Correct.

24 Q. Okay. And did the cold case unit

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1 **investigate cold cases from all the different**
2 **areas?**

3 A. Correct.

4 Q. Okay. So it would be correct to state
5 that you as a member of the cold case unit would
6 have investigated Area Five cold cases, correct?

7 A. Correct.

8 Q. Okay. And did you supervise -- were
9 you a -- you were a sergeant at this time,
10 correct?

11 A. Correct.

12 Q. And did you supervise the detectives
13 that worked in the cold case unit?

14 A. Correct.

15 Q. And could you just give me, like, a
16 layman's definition of what the cold case unit
17 did?

18 A. Essentially, it would be -- first of
19 all, it was made perfectly clear to me when we
20 were forming this that, "You will do what you're
21 told." So on occasion, other cases popped up
22 that were not within the parameters, which were
23 the case should be a year old with little or no
24 activity on it, no longer any activity on the

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1 case, and go out and try and solve it and take a
2 fresh set of eyes and look at it.

3 **Q. Okay. And that's the -- that's --**
4 **generally, that's the definition of what the**
5 **cold case unit did?**

6 A. Yeah. A year -- a year older, but at
7 least a year with no activity. If somebody was
8 still working on it, but for some reason you
9 went there and they would say, "No. We are
10 working on XYZ case," you would back off even if
11 it was a little older. Someone may have picked
12 it up on their own.

13 **Q. And if you know, how did -- did the**
14 **cold cases get sent to the cold case unit from**
15 **the areas?**

16 MS. MORRISON: Objection to foundation.

17 You can answer if you know.

18 BY THE WITNESS:

19 A. It -- it came in many ways. Sometimes
20 a retired detective would call up. A retired
21 boss might remember an old case. They came in
22 any -- any way. Sometimes guys had their own
23 cases that they recalled that they wanted to go
24 back and take a look at, things of that -- there

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1 was not -- no formal way that the cases came to
2 you.

3 BY MR. STARR:

4 **Q. Understood.**

5 **Was there a formal location where the**
6 **actual cold case file existed?**

7 A. They would exist in the detective
8 areas.

9 **Q. Okay.**

10 A. And you would have to go there.

11 **Q. And so is it correct that the only ways**
12 **in which you would get a cold case assigned to**
13 **the cold case unit is somebody would reach out**
14 **and say, "Hey, I have got this old case I want**
15 **you to look at"?**

16 MS. MORRISON: Object to form.

17 BY THE WITNESS:

18 A. No. Sometimes some guy who is long
19 retired would say, "Go look at the XYZ case."
20 Sometimes it would be a guy who was working in
21 the area. Sometimes it might be a boss in an
22 area. No real rhyme or reason how we picked up
23 the cases.

24

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1 BY MR. STARR:

2 Q. Okay. And just for clarity's sake,
3 so -- and the record is clear, so there wasn't,
4 like, a list of cold cases that you were, like,
5 going down the list checking off. They were
6 just coming in on a -- somewhat of an ad hoc
7 basis?

8 MS. MORRISON: Object to form.

9 MR. COYNE: Object to form.

10 MS. WEST: Join.

11 BY THE WITNESS:

12 A. I guess you could say that, yes.

13 BY MR. STARR:

14 Q. Okay. And as a member of the cold case
15 unit, was it ever the case that you would
16 investigate cases after a conviction had
17 occurred?

18 A. After a conviction occurred? No.
19 Usually, they were open cases, no conviction.

20 Q. Okay. So you said usually.

21 Does that mean there were some
22 exceptions to that rule?

23 A. That a conviction -- wait.

24 Q. Yeah.

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1 **So I understand that, like, a cold case**
2 **is a case that has not been solved, correct?**

3 A. Correct.

4 **Q. My question is, were you ever assigned**
5 **as a member of the cold case unit to investigate**
6 **a case where someone had already been convicted?**

7 MS. MORRISON: Object to form.

8 BY THE WITNESS:

9 A. I can't think of one.

10 BY MR. STARR:

11 **Q. Okay. And were you ever during your**
12 **time in the cold case unit ever asked to**
13 **independently look at a case after a conviction**
14 **had occurred?**

15 A. I don't recall ever having that.

16 **Q. Do you know if the cold case unit as**
17 **a -- as a -- as a unit within the Chicago Police**
18 **Department, if it ever looked at cases where**
19 **there was already a conviction?**

20 MR. COYNE: Object, foundation.

21 MS. MORRISON: Object to form. What time
22 period are we talking about?

23 BY THE WITNESS:

24 A. I -- I will say it again. I don't

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1 recall that we ever worked on a case where there
2 was a conviction.

3 BY MR. STARR:

4 Q. Okay.

5 A. My best recollection.

6 Q. When you were hired by the State's
7 Attorney's Office in 2005, did you receive any
8 formal training?

9 A. When I first got there?

10 Q. Yes.

11 What kind of training did you receive?

12 A. Procedures, their in-house procedures
13 of how things worked in different courts,
14 different courts around the county. I think we
15 visited -- visited them all, went out and -- how
16 certain people served subpoenas, where they are
17 at. We're shown everything about -- it's like
18 going to a -- a new -- any new job.

19 Q. And would you -- did you receive any
20 training or guidance related to how to conduct
21 interviews with witnesses as a Cook County
22 State's Attorney investigator?

23 A. I don't -- I don't recall any class on
24 how to do an interview my- -- myself or any

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1 other copper who came in with me from the police
2 department.

3 Q. And when you say yourself or any other
4 copper, are you making a distinction regarding
5 somebody who has a law enforcement background
6 didn't receive certain training that other
7 people did?

8 A. Say that again.

9 MR. COYNE: Object --

10 BY MR. STARR:

11 Q. Yeah. Meaning --

12 A. Some -- yeah. Go ahead.

13 Q. So I'm just -- based on your answer,
14 I'm wondering if you're making a distinction
15 between investigators who had law enforcement
16 background versus investigators who didn't have
17 law enforcement background.

18 A. Correct. There was -- there's a
19 difference.

20 Q. Okay. And what's that difference as
21 far as you understood it?

22 A. People who did not have a law
23 enforcement background started out at ground
24 zero, basically. They went to some -- usually

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1 the Chicago Police Department, maybe the
2 sheriff's department, maybe the state police
3 even. They would go to one of those agencies to
4 get qualified for their position.

5 The people who came from a law
6 enforcement agency -- DEA, customs, ATF,
7 wherever -- they would just move right in, and
8 you would just learn the policy of that State's
9 Attorney -- of the State's Attorney's Office,
10 but you did not receive any specific training
11 that I recall.

12 **Q. Regarding the policy, do you recall**
13 **there being any -- when you joined in 2000, do**
14 **you recall there being -- I'm sorry.**

15 **2005?**

16 A. 2005.

17 **Q. Yeah. I apologize.**

18 **When you joined in 2005, do you recall**
19 **there being any policy regarding how to conduct**
20 **interviews with witnesses?**

21 A. Do I recall the policies from there
22 when I first joined? No.

23 **Q. Well, my question was a little**
24 **different.**

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1 **It was, do you recall if there was a**
2 **policy about how to conduct the interview with a**
3 **witness?**

4 A. I'm sure there was. I don't recall
5 what it was.

6 **Q. Do you recall if there was a -- like, a**
7 **handbook of written policies you were given?**

8 A. Yes.

9 **Q. Okay. And do you recall if that**
10 **handbook of written policies had any policies**
11 **related to how to conduct interviews with**
12 **witnesses?**

13 A. I don't recall.

14 **Q. Okay. And so is it correct to say that**
15 **in your experience as a law enforcement Chicago**
16 **police officer, the things you learned about**
17 **conducting witnesses [sic], you applied to your**
18 **time at the State's Attorney's Office when you**
19 **were conducting interviews of witnesses?**

20 MR. COYNE: Objection, form.

21 MS. WEST: Join.

22 BY THE WITNESS:

23 A. Pretty much.

24

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1 BY MR. STARR:

2 Q. Did you ever receive during your time
3 in the State's Attorney's Office any training on
4 your -- strike that.

5 Do you have an understanding about what
6 I mean when I say "Brady obligations"?

7 A. Do I -- am I familiar with it? Yes,
8 from my time at the police department and at the
9 State's Attorney's Office.

10 Q. Okay. Excellent. What's your
11 understanding generally?

12 A. Anything you find is turned over, but
13 our rule of thumb in the police department was
14 give everything to the State's Attorney and they
15 will figure out what's applicable or not.

16 Q. And you understood it to apply to your
17 job as an investigator at the State's Attorney's
18 Office --

19 A. Turn everything --

20 Q. -- as well?

21 A. Turn everything over.

22 Q. And when you say "turn everything
23 over" --

24 A. Reports, files.

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1 **Q. Okay.**

2 A. Based on your work product.

3 **Q. And did you understand Brady -- your**
4 **Brady obligations to include to -- if you had**
5 **learned any exculpatory information, to turn**
6 **over that information?**

7 A. That's correct.

8 **Q. Okay. And did you understand your**
9 **Brady obligations required you if you learned**
10 **any impeachment evidence that you had to turn**
11 **that over?**

12 MR. HOLMES: Can I just object and seek
13 clarification? When counsel is using the phrase
14 "turn over," is counsel referring to turning
15 over these documents to an Assistant State's
16 Attorney or to a defendant -- a criminal
17 defendant?

18 Because Mr. Brannigan, of course, was
19 in the posture of an investigator --

20 MR. STARR: Yeah.

21 MR. HOLMES: -- and not an attorney. Thus,
22 the question of how and whether Brady
23 obligations applied to Brannigan I don't think
24 has been established.

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1 MR. STARR: That's fair. I thought that he
2 said that he turned it over to the State's
3 Attorney.

4 MR. HOLMES: He did. But that's a few
5 questions ago.

6 MR. STARR: Okay. Okay.

7 MR. HOLMES: So I just --

8 THE WITNESS: Okay. Let's get this clarified
9 so I can --

10 BY MR. STARR:

11 Q. Yeah.

12 So did you understand in your role as a
13 Cook County State's Attorney investigator, if
14 you encountered any exculpatory or impeachment
15 evidence, you had an obligation to turn that
16 over to the State's Attorney?

17 A. Mm-hmm. Yes, sir.

18 Q. Okay. And you also -- did you also
19 understand that as a Cook County State's
20 Attorney investigator, that you were prevented
21 from destroying any material evidence that you
22 may encounter, correct?

23 A. Yes, sir.

24 Q. Okay. Did you receive any training on

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1 **Brady when you went to the State's Attorney's**
2 **Office?**

3 A. I don't recall. I may have.

4 **Q. In terms of meeting your obligations**
5 **under Brady -- strike that.**

6 **During your time as a Cook County**
7 **State's Attorney, did you meet your obligations**
8 **under Brady?**

9 A. Did I?

10 **Q. Yes.**

11 A. I think so, yeah. Yes, sir.

12 **Q. Did you do anything unusual or atypical**
13 **regarding your Brady obligations on the Fletcher**
14 **case?**

15 MR. COYNE: Objection, form, foundation.

16 BY THE WITNESS:

17 A. Did I what?

18 BY MR. STARR:

19 **Q. Yeah. Let me rephrase it.**

20 **Did you meet your -- did you believe**
21 **that you met your Brady obligations during your**
22 **time assigned to the Fletcher case?**

23 A. The force? Oh, Fletcher. Oh. I'm
24 sorry.

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1 As far as I know I did, yes. There
2 would be no reason for me not to.

3 **Q. And you followed your typical practices**
4 **regarding Brady during your time assigned to the**
5 **Fletcher case?**

6 MR. COYNE: Objection, form.

7 BY THE WITNESS:

8 A. Say it again, please.

9 BY MR. STARR:

10 **Q. You followed your typical practices**
11 **regarding Brady --**

12 A. Yes, sir.

13 **Q. -- during your time assigned to**
14 **Fletcher?**

15 A. Yes, sir.

16 **Q. Could you -- I think you were partially**
17 **asked this by Ms. West, but could you explain to**
18 **me what your responsibilities were as a State's**
19 **Attorney investigator?**

20 A. You would be given various assignments.
21 There is -- there is various units within the
22 State's Attorney's Office, so it would depend
23 where you are assigned. The sex trafficking
24 unit, they had their special training or other

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1 training. I think there is people assigned to
2 Secret Service, narcotics -- I mean, DEA. So it
3 would depend where you were at.

4 **Q. And I think you testified earlier that**
5 **the vast majority of the time that you were**
6 **working for the State's Attorney you were**
7 **working in the post-conviction unit; is that**
8 **correct?**

9 A. That's correct.

10 **Q. Okay. So in the post-conviction unit,**
11 **what were your responsibilities as a State's**
12 **Attorney investigator?**

13 A. Basically to go out and locate
14 witnesses involved in the post-conviction cases
15 and sometimes to interview those witnesses,
16 maybe even some victims now and then.

17 **Q. And in 2014, were you working in the**
18 **post-conviction unit?**

19 A. Yes.

20 **Q. In 2015, were you also working in the**
21 **post-conviction unit?**

22 A. 2014 and 2015, and CIU came into
23 existence also, the conviction integrity unit.

24 **Q. Yeah.**

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1 **And I think you testified you weren't**
2 **sure when that happened; is that right?**

3 A. Pardon?

4 **Q. I think you earlier testified that you**
5 **weren't certain --**

6 A. I wasn't -- no. I'm not sure exactly
7 when the post-conviction unit was established.

8 **Q. When the -- you worked in the**
9 **conviction integrity unit as well as the**
10 **post-conviction unit, correct?**

11 A. Correct.

12 **Q. Did your responsibilities change when**
13 **the conviction integrity unit came into**
14 **existence?**

15 A. Not really, no.

16 **Q. Okay. So you were still --**

17 A. The same investigators were assigned to
18 one as the other.

19 **Q. And your responsibilities still are to**
20 **be involved --**

21 THE COURT REPORTER: Sorry?

22 MR. STARR: I don't know what I said.

23 MR. COYNE: Still involved.

24

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1 BY MR. STARR:

2 Q. Still involved, yeah.

3 A. I'm sorry. Say it again.

4 Q. And when the conviction integrity unit
5 came into existence, your responsibilities still
6 involved primarily locating and interviewing
7 witnesses; is that correct?

8 A. Correct. That was the basic.

9 Q. And when you conducted an interview
10 with any witness that you were assigned, did you
11 always generate a report?

12 MR. COYNE: Objection, foundation.

13 Go ahead. You can answer.

14 BY THE WITNESS:

15 A. Yes.

16 BY MR. STARR:

17 Q. Okay. And when you submitted a report,
18 you submitted it to the prosecutor or the
19 State's Attorney assigned to the case; is that
20 correct?

21 A. That's where it eventually ended up,
22 yes.

23 Q. And was that prosecutor or the State's
24 Attorney your supervisor on that case?

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1 MR. COYNE: Objection, foundation.

2 BY THE WITNESS:

3 A. No. I had a -- I had a sergeant who
4 would review it -- the report first. I always
5 had a supervisor somewhere along the line who
6 would review it, the report first, and then it
7 would go, make sure the package was complete.

8 BY MR. STARR:

9 Q. Okay. Your supervisor was somebody who
10 was not a State's Attorney; is that correct?

11 A. That's correct.

12 Q. Okay. And you said sergeant.

13 Was that the title that your supervisor
14 had during your time as an investigator?

15 A. Initially, it was just supervisor.
16 Then it went to sergeant, more formal.

17 Q. Okay. And you would submit your
18 initial report to your sergeant or supervisor
19 prior to submitting it to the State's Attorney
20 on -- assigned to the case, correct?

21 A. Correct.

22 Q. Okay. And what was the purpose of
23 submitting it to your supervisor -- direct
24 supervisor first before submitting it to the

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1 **State's Attorney?**

2 A. Well, it was basically for him to make
3 sure it was a complete package, whatever might
4 be there was there. Something that was
5 inventoried should be inventoried. Was it
6 inventoried? Things of that nature.

7 **Q. And -- and -- strike that.**

8 **During the Fletcher -- during your time**
9 **assigned to the Fletcher case, do you know who**
10 **your supervisor was?**

11 A. Do I know who my supervisor was during
12 the Fletcher case?

13 **Q. Yes.**

14 A. I -- I think the one was a guy named --
15 I couldn't quite read the signature, but I could
16 believe there was a -- it might have been three
17 of them. But I don't really know. I would -- I
18 think one was -- I will give you the last three:
19 Killacky, Caira with a C, Bamford. I think
20 that's it. I believe that's it.

21 **Q. Can you spell Caira for me?**

22 A. C-A-I-R-A. I believe he signed off on
23 one of these reports, but I'm not sure -- or the
24 only report that I recall generating.

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1 **Q. And is Killacky with a K?**

2 A. With a K, yes, sir.

3 MR. COYNE: Sean, whenever is convenient for
4 you in your outline, can we take a five-minute
5 break?

6 MR. STARR: Sure.

7 MR. COYNE: Whenever it is convenient.

8 MR. STARR: Just a few more questions.

9 MR. COYNE: Sure.

10 THE WITNESS: What was that? I didn't hear
11 you.

12 MR. COYNE: I'm just asking him to take a
13 five-minute break when it's convenient for him.

14 THE WITNESS: Oh, okay.

15 BY MR. STARR:

16 **Q. And when you submitted your report to**
17 **your supervisor the first time, would you meet**
18 **with that supervisor to discuss the case?**

19 A. Sometimes. You would probably talk to
20 him during the case at one point or another, but
21 it was not a -- sometimes you would hand it to
22 him and away it would go.

23 **Q. And was it your practice to discuss**
24 **your opinions about the case with your**

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1 **supervisors?**

2 A. Yes, on some of them. Not every case.
3 Some of them were just to locate somebody. So
4 locate, get that information to the State's
5 Attorney, and that was it.

6 **Q. And was it ever the case that after you**
7 **submitted that initial report to your supervisor**
8 **that they would suggest that you make changes to**
9 **your report?**

10 A. No. Maybe if there was a typo or you
11 left something -- you forgot to put this in
12 there, something of that nature. They wouldn't
13 know enough about the investigation to -- to
14 change the content of -- of the report.

15 **Q. Okay. And --**

16 A. Unless they were out with you, but, I
17 mean, generally no.

18 **Q. Did you submit your report to your**
19 **supervisor -- was it ever the case that you**
20 **would submit your report to a supervisor and**
21 **they would bounce it back to you, and you would**
22 **submit it again and they would bounce it back a**
23 **second time?**

24 MR. COYNE: Objection, form.

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1 BY THE WITNESS:

2 A. I -- I don't recall.

3 BY MR. STARR:

4 Q. Okay. Do you recall in this case
5 whether or not your supervisor made any changes
6 or suggested any additions or the like when you
7 first submitted your report?

8 A. Which case?

9 Q. In the Fletcher case.

10 A. In the Fletcher case? I -- I don't
11 recall. I don't think so.

12 Q. Okay. And would you at some point meet
13 with the State's Attorney that assigned you to
14 do the investigation?

15 A. Oh, yeah. You would routinely meet
16 with the State's Attorneys --

17 Q. Okay.

18 A. -- at some point.

19 Q. And would you offer your opinion about
20 the case to the State's Attorney?

21 A. What do you mean by "my opinion"? I
22 mean --

23 Q. Well, you --

24 A. I would tell them what's going on.

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1 **Q. Yeah.**

2 **You were a conduit of the State's**
3 **Attorney's Office, right? They sent you out to**
4 **do these investigations and --**

5 A. Right. You have to tell them, "We
6 can't find this person. You're going to have to
7 figure out another way to approach the case,"
8 or, I mean, any -- any number of reasons I might
9 have met with the State's Attorney on the case.

10 **Q. Would you meet with the State's**
11 **Attorney to talk about your impressions of the**
12 **witnesses that you were interviewing?**

13 A. Yes. I would tell them that, yeah.

14 **Q. And you would share that impression**
15 **with the supervisor --**

16 A. Yeah.

17 **Q. -- or with the State's Attorney?**

18 A. Yes.

19 **Q. Okay. And would you discuss with the**
20 **State's Attorney what the goal of the case would**
21 **be?**

22 MR. COYNE: Objection, form.

23 BY THE WITNESS:

24 A. Say that again.

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1 BY MR. STARR:

2 Q. Yeah. Let me rephrase it.

3 Would you discuss with the State's
4 Attorney at any point what the goal of the
5 interviews that you were conducting were?

6 MR. COYNE: Objection, form.

7 BY THE WITNESS:

8 A. Basically, we would talk about the case
9 in general, what the case was about, and go find
10 out the truth.

11 BY MR. STARR:

12 Q. So you would talk with the State's
13 Attorney before you went out to conduct the
14 interviews, correct?

15 A. It would depend what they actually had
16 us do. Sometimes I just did -- any one of us,
17 any -- we are talking me specifically or just
18 how it works?

19 Q. I'm talking about you specifically.

20 A. I have been assigned to just do locates
21 and pass them on and never heard anything back
22 on them.

23 Q. Did you talk to the State's Attorney
24 about the goals of the interview with Ms. Friend

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1 **before you went out and interviewed Ms. Friend?**

2 A. Yes, I'm sure. I don't recall it
3 specifically, but I -- there had -- there would
4 be no reason for me not to.

5 **Q. Do you recall what the goals of**
6 **interviewing Ms. Friend were?**

7 A. To see what she had to say.

8 MR. HOLMES: I'm -- on behalf of the State's
9 Attorney's Office, I instruct the witness not to
10 answer the question beyond the yes or no that
11 was sought by the plaintiff's counsel on the
12 ground of the deliberative process privilege.

13 BY THE WITNESS:

14 A. So you are going to have to speak up
15 just a tad.

16 MR. HOLMES: Yes. Mr. Starr had asked a
17 question that was seeking a yes or no answer,
18 and on behalf of the State's Attorney's Office,
19 I'm instructing you not to answer the question
20 beyond the yes or no that was sought by
21 Mr. Starr on the ground of the deliberative
22 process privilege on behalf of the State's
23 Attorney's Office.

24 THE WITNESS: Got you. Okay.

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1 MR. HOLMES: That's the instruction.

2 THE WITNESS: Okay.

3 BY MR. STARR:

4 Q. And it was a yes or no question, so --

5 A. Okay. Let's go.

6 Q. So the question was, do you recall
7 what -- do you recall what the goal of
8 interviewing Ms. Friend was prior to when you
9 went out and interviewed her?

10 MR. COYNE: Objection, form.

11 MR. HOLMES: Same objection.

12 BY THE WITNESS:

13 A. Yes.

14 BY MR. STARR:

15 Q. Okay. And do you recall if the goal
16 regarding interviewing Ms. Friend was to get
17 Ms. Friend to come off of her affidavits that
18 she had --

19 MR. HOLMES: On behalf of --

20 BY MR. STARR:

21 Q. -- previously signed?

22 MR. COYNE: Objection, form.

23 MR. HOLMES: On behalf of the State's
24 Attorney's Office, I instruct the witness not to

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1 answer on the ground of the deliberative process
2 privilege.

3 BY MR. STARR:

4 **Q. Are you going to recognize the State's**
5 **Attorney's instruction and refuse to answer my**
6 **question?**

7 MR. COYNE: Yeah. I would urge you to follow
8 the State's Attorney's instruction -- Assistant
9 State's Attorney's instruction.

10 BY THE WITNESS:

11 A. Yes.

12 MR. STARR: Okay. Do you want to take that
13 break?

14 MR. COYNE: Yeah. Let's take that break.

15 MR. STARR: Yeah.

16 MR. COYNE: Thanks, Sean.

17 (Whereupon, a short break was
18 taken.)

19 BY MR. STARR:

20 **Q. Mr. Brannigan, was it your practice**
21 **whenever you were assigned to go out to conduct**
22 **an interview to always meet with the State's**
23 **Attorney who was assigned to the case before**
24 **going out to conduct the interview?**

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1 A. Yes. No reason for me not to.

2 **Q. Okay. And was it your practice to find**
3 **out what the goal of the interview was in terms**
4 **of what the State's Attorney thought the goal**
5 **was?**

6 MR. COYNE: Objection, form.

7 MR. HOLMES: It's a -- and again, from the
8 State's Attorney's Office, it's not an
9 objection, per se, but I just want to caution
10 the witness that the question is seeking a yes
11 or no answer, and the State's Attorney's Office
12 would have an objection to the extent that any
13 response would go beyond yes or no to this
14 question.

15 BY THE WITNESS:

16 A. Okay. Roll it by me again.

17 BY MR. STARR:

18 **Q. Sure.**

19 **When you would meet with the State's**
20 **Attorney that assigned you to do an interview,**
21 **before you went out to do the interview, would**
22 **you always attempt to find out what the goal of**
23 **the interview was from the State's Attorney?**
24 **And it's a yes or no question.**

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1 MR. HOLMES: Same objection.

2 MR. COYNE: Objection, form.

3 MS. WEST: Join.

4 MR. COYNE: Go ahead.

5 BY THE WITNESS:

6 A. Yes.

7 BY MR. STARR:

8 Q. Okay. In addition to meeting with the
9 State's Attorney before going out to conduct the
10 interview, would you do anything else to prepare
11 for the interview?

12 A. It would depend on if it was just --
13 how would I say this? Most cases seemed to
14 involve homicides; I would say the vast bulk of
15 them. So depending on what we were looking
16 for -- you -- you would read the file.
17 Sometimes you would -- you would read whatever
18 was available right at that time. Sometimes
19 there was not a complete file. That was
20 oftentimes the case, as a matter of fact; the
21 files could not be found.

22 So you would read what was available
23 regardless of who you were looking for, but on
24 occasion, it was nothing more than we will see

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1 if this person is still alive.

2 Q. And when you were -- you testified that
3 you would review the file, in cases that you
4 were assigned to interview somebody. If there
5 was a file and there were documents in that
6 file, would it make your -- would it be your
7 practice to review the file in its entirety?

8 A. As best I could, yes.

9 Q. And would you make an effort to review
10 whatever police reports were in that file?

11 A. Yes.

12 Q. And if there were transcripts of
13 testimony, would you want to review the
14 transcripts of testimony?

15 A. Yes, if it were necessary or pertinent
16 to that individual.

17 Q. Okay. Any other types of documents
18 that you would want to review as part of your
19 practice?

20 A. Whatever -- as I said, whatever was
21 available I'd try to get my paws on. It doesn't
22 mean I read it once I had it, but I would try to
23 get my hands on everything.

24 Q. So you said that the file wouldn't

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1 **always be available.**

2 **In what circumstances would the file**
3 **not be available to you?**

4 MR. COYNE: Objection, foundation.

5 Go ahead.

6 BY THE WITNESS:

7 A. It can't be found.

8 BY MR. STARR:

9 **Q. Okay. So when you were working as an**
10 **investigator in the State's Attorney's Office as**
11 **part of the post-conviction unit, did -- if**
12 **the -- if a file existed, did you have access to**
13 **it?**

14 A. Yes.

15 MR. COYNE: Objection, foundation.

16 Go ahead.

17 BY THE WITNESS:

18 A. Excuse me.

19 BY MR. STARR:

20 **Q. Would --**

21 A. Yes.

22 **Q. Was that -- would you guys -- strike**
23 **that.**

24 **Would the nomenclature be that you**

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1 **would call that file the trial file or was there**
2 **some other file that you would --**

3 A. It would be the trial file.

4 THE COURT REPORTER: Sorry. Was there some
5 other file that you would --

6 BY MR. STARR:

7 **Q. -- that you would review?**

8 A. It would normally be the trial file.

9 **Q. And would you -- would you ever begin**
10 **an investigation without reviewing the documents**
11 **if they did exist?**

12 A. I would at least review a portion of
13 them. I couldn't say that I would review every
14 single scrap of paper in the file, no.

15 **Q. Do you know how many cases that you**
16 **have been involved in as a State's Attorney**
17 **investigator that have resulted in convictions**
18 **being overturned?**

19 A. No idea. I wouldn't even know how to
20 guess.

21 **Q. Do you have a -- any sort of ballpark**
22 **estimate of how many cases you have been**
23 **involved in that resulted in an overturned**
24 **conviction?**

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1 A. In there -- I don't even recall that
2 statistic being around. I'm sure the State's
3 Attorney's Office might have it, but --

4 **Q. Okay.**

5 A. I'm completely unaware of seeing that,
6 though.

7 **Q. And you were shown this Exhibit 1,**
8 **which is your -- your investigative report from**
9 **the Fletcher case, correct?**

10 A. I'm sorry?

11 **Q. You were shown by Ms. West Exhibit 1,**
12 **and this is an investigative report.**

13 A. Correct.

14 **Q. Would you also refer to this report as**
15 **the ROI?**

16 A. The who?

17 **Q. An ROI, an acronym.**

18 A. The report of investigate- -- I guess
19 you could.

20 **Q. Is -- that's not a term you used?**

21 A. I -- I don't recall using it, no.

22 **Q. All right. Did an investigative report**
23 **before it was formally submitted to a State's**
24 **Attorney have any different terminology attached**

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1 to it that you -- you're familiar with?

2 A. I'm not following you.

3 Q. So you said that you submitted your
4 report to your supervisor before you submitted
5 it to the State's Attorney, right?

6 A. Yeah.

7 Q. Did it -- did that report -- was that
8 report called something different when it was in
9 that infancy before it was submitted to the
10 State's Attorney?

11 A. No. I -- I -- no. I don't -- I don't
12 recall anything about that, no.

13 Q. Was it your practice to make sure the
14 reports that you were submitting were thorough
15 and that everything that happened during the
16 interview was included into the report?

17 MR. COYNE: Objection, form.

18 BY THE WITNESS:

19 A. Everything that was relevant to the
20 interview.

21 BY MR. STARR:

22 Q. Was it your practice to precisely
23 summarize all of the material evidence that you
24 gathered during your investigation?

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1 A. Yes.

2 **Q. Was there an expectation within the**
3 **State's Attorney's Office that, as an**
4 **investigator, you were supposed to be precise**
5 **and thorough?**

6 MR. COYNE: Objection, form, foundation.

7 MS. WEST: Join.

8 BY THE WITNESS:

9 A. Yes.

10 BY MR. STARR:

11 **Q. And would you consider it a best**
12 **practice to be precise and thorough in**
13 **conducting an investigation?**

14 A. Best you could do, yes.

15 **Q. In your experience as a law enforcement**
16 **personnel and also within the State's Attorney's**
17 **Office, was there a difference between what an**
18 **interview is and what an interrogation is?**

19 A. I guess you could say -- interrogation
20 in my opinion -- my opinion only -- would be an
21 in-custody issue. You made an arrest and now
22 you're -- interrogate the person to get the
23 information.

24 **Q. Would that be the primary distinction**

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1 **between those two terms that --**

2 A. To me.

3 **Q. -- one is in custody?**

4 **To you. Okay.**

5 **In an interrogation, is it also the**
6 **case that you believe that you know the truth**
7 **going into the interview?**

8 MR. COYNE: Objection, foundation.

9 BY THE WITNESS:

10 A. In an interrogation? Not necessarily.

11 BY MR. STARR:

12 **Q. Okay. Is an interview more open-ended**
13 **than an interrogation in your experience?**

14 MR. COYNE: Same objection.

15 BY THE WITNESS:

16 A. I wouldn't know.

17 BY MR. STARR:

18 **Q. Would you characterize the conversation**
19 **you had with Ms. Friend as an interview or an**
20 **interrogation?**

21 A. An interview.

22 **Q. Is that because she wasn't in custody?**

23 A. She wasn't in custody. It was in her
24 house, in her kitchen. I would consider that an

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1 interview.

2 **Q. Because of the setting?**

3 A. The setting, the whole thing. She
4 wasn't under arrest.

5 **Q. And --**

6 A. Free -- free to go, free to tell me to
7 go.

8 **Q. And during your time as a State's**
9 **Attorney investigator when you would go out to**
10 **conduct interviews, did you ever audio or**
11 **visually record those interviews?**

12 A. Yes.

13 **Q. And would you record the interviews**
14 **whenever possible?**

15 A. Pardon?

16 **Q. Would you record those interviews**
17 **whenever possible?**

18 A. Yes.

19 **Q. And when you were interviewing somebody**
20 **as a State's Attorney investigator, would you**
21 **take contemporaneous notes about what they were**
22 **telling you?**

23 A. Yes.

24 **Q. Okay. And then would you submit those**

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1 **notes with your report to your supervisor?**

2 A. Not initially, no.

3 **Q. And what are --**

4 A. I may have, but I wasn't obligated to.

5 **Q. Okay. I am going to unpack that a**
6 **little bit.**

7 **So you took contemporaneous notes when**
8 **you conducted interviews, and then your next**
9 **step would be to write up a report of that**
10 **interview?**

11 A. Based on those notes, yes, sir.

12 **Q. And then -- and then you would submit**
13 **that report to your supervisor for approval,**
14 **correct?**

15 A. Correct.

16 **Q. But you didn't submit your notes in --**
17 **accompanied with the report that you submitted;**
18 **is that correct?**

19 MS. WEST: Objection, misstates his
20 testimony.

21 BY THE WITNESS:

22 A. I didn't say that.

23 BY MR. STARR:

24 **Q. Okay.**

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1 A. I --

2 **Q. Could you explain to me what your**
3 **process was?**

4 A. I -- I didn't have to, and I can't
5 really remember if I did. I'm not sure. I
6 think -- I just really couldn't tell you.
7 Initially, no. Later it became the way to do
8 it.

9 **Q. Do you know when that change occurred?**

10 A. I couldn't give you an exact date.
11 Maybe 2019.

12 **Q. Okay. So from 2005 to 2019, you**
13 **weren't obligated to submit your notes when you**
14 **submitted your report; is that correct?**

15 A. I'm not being exact on the dates, but I
16 was not obligated to submit my notes to the
17 supervisor or the State's Attorney.

18 **Q. So is it safe to assume that in 2015**
19 **when you drafted this investigative report, you**
20 **were not obligated to submit your notes?**

21 A. To who?

22 **Q. To your supervisor.**

23 A. I don't -- I don't think so. No,
24 not -- he may have seen them. I mean, he had

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1 them.

2 **Q. And when --**

3 A. There was no -- there was no formal
4 obligation for me to keep my notes and to submit
5 them to the State's Attorney.

6 **Q. When you submitted the first draft of**
7 **this investigative report in the Fletcher case**
8 **summarizing your interview with Ms. Friend, did**
9 **you or did you not submit your notes with this**
10 **report to your supervisor?**

11 A. I just can't remember as I sit here
12 right now.

13 **Q. And did you have any obligations if you**
14 **had audio recorded or video recorded the**
15 **interview to submit those recordings to your**
16 **supervisor when you submitted your initial**
17 **report?**

18 A. I would have, yes.

19 **Q. Okay.**

20 A. Oh, I take that back. I don't even
21 know if I did that initially. I -- I don't know
22 that I would do that with the supervisor. I --
23 or let me rephrase that.

24 I don't think I was obligated to, and I

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1 just can't recall if I did or didn't.

2 Q. Okay. In the Fletcher case, you
3 submitted an investigative report summarizing
4 your interview with Ms. Friend.

5 We established that, correct?

6 A. Correct.

7 Q. Did you audio or video record your
8 interview with Ms. Friend?

9 A. No.

10 Q. Why not?

11 A. Didn't have a camera with me.

12 Q. And I -- correct me if I'm wrong. I
13 believe your previous testimony was that you
14 would -- whenever you could, you would audio or
15 video record interviews you conducted.

16 A. Yes. You would have to have a camera
17 to do that, though.

18 Q. And why didn't you have a camera on
19 this occasion when you interviewed Ms. Friend?

20 A. I -- I couldn't tell you. Not knowing,
21 I hesitate to reply.

22 Q. After you get your initial report
23 approved by your supervisor, do you go through
24 the same process with the State's Attorney?

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1 A. And what's the same process?

2 Q. Yeah. That's fair.

3 So you testified that your process was
4 you would conduct the interview, take notes,
5 summarize those notes in a report, and submit a
6 draft of that report to your supervisor, right?

7 A. I would say 99 percent of the time it
8 was the report -- I signed off on the report.
9 I'd say 99 -- 99 and 9/10ths percent of the time
10 I signed off on the report. I was done with it.
11 A supervisor reviewed it, the package, to make
12 sure that the attached -- something like an
13 attachment was there.

14 "Oh, by the way, you said you
15 inventoried something. Where is the inventory
16 number?" Things of that -- but as far as the
17 content of the report, that's 99 and 9/10ths
18 percent me or my partner's report.

19 Q. After you got approval from your
20 supervisor --

21 A. Pardon?

22 Q. After you got approval from your
23 supervisor, did you then submit a report to the
24 State's Attorney?

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1 A. Yeah. We submit that report then to
2 the State's Attorney.

3 **Q. And was that a draft report that**
4 **ever -- would ever get bounced back by the**
5 **State's Attorney?**

6 A. No. I didn't ever have one do that.

7 **Q. So that was your final report?**

8 A. That was the final report, basically.
9 Oftentimes, I hand delivered them to them, save
10 the sergeant some aggregation.

11 **Q. I asked you about your contemporaneous**
12 **notes.**

13 **Did you ever submit your**
14 **contemporaneous notes to the State's Attorney?**

15 A. On this case?

16 **Q. On any case.**

17 A. Yes. They would go to the sergeants or
18 the sergeants saw them, and then the State's
19 Attorney would get them.

20 **Q. So it was your practice to submit your**
21 **handwritten notes to your sergeant, and then**
22 **they would eventually make their way up the**
23 **chain --**

24 A. Well, we --

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1 **Q. -- to the State's Attorney?**

2 A. When that kicked in --

3 **Q. Okay.**

4 A. -- we had to keep notes.

5 **Q. And that was not --**

6 A. Keep -- retain our notes.

7 **Q. And that was not until 2019?**

8 A. That's my best guess.

9 **Q. Well, what was your practice before**
10 **2019?**

11 A. Shred them when you don't need them
12 anymore.

13 **Q. So you took contemporaneous notes of**
14 **interviews that you conducted with witnesses in**
15 **post-conviction cases, and then you summarized**
16 **those notes and you shredded them?**

17 A. Correct.

18 **Q. Okay. Did anyone ever see your**
19 **contemporaneous notes in the Fletcher case?**

20 A. Did anybody what?

21 **Q. Receive your contemporaneous notes that**
22 **you took in the Fletcher case?**

23 MR. COYNE: Objection, foundation.

24 Go ahead.

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1 BY THE WITNESS:

2 A. Yeah, my partner did.

3 BY MR. STARR:

4 Q. Okay. That's Mr. Carroll?

5 A. Yes, yeah.

6 Q. You gave him the notes to review?

7 A. He was right there.

8 Q. Okay.

9 A. He may have even added something to
10 them. I don't remember right now.

11 Q. That's another question I have then.

12 So when you were taking notes of
13 interviews when you were conducting them with
14 another investigator, would you both take notes
15 on the same piece of paper?

16 A. Not really. There'd be one guy --
17 probably it was me doing the yapping in this
18 case and Carroll doing the notes.

19 Q. Do you have an independent recollection
20 of whether or not you took notes in the -- in
21 the --

22 A. Pardon?

23 Q. Do you have an independent recollection
24 of whether or not you took notes during the

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1 **Friend interview?**

2 A. No. I was -- I remember I was handing
3 her the stuff. I was reading it to her, and she
4 was making the notes. I -- I just can't recall
5 if I took a few notes or not. I -- I just don't
6 recall.

7 **Q. But you do recall someone taking notes,**
8 **correct?**

9 A. Somebody would have taken notes, yeah.

10 **Q. Okay. So if you didn't take notes**
11 **during the Friend interview, it would have been**
12 **Mr. Carroll that took the notes?**

13 A. Or it could have been both of us, but I
14 would have taken the fewest amount of notes,
15 because I remember that I was doing most of the
16 yapping with her. Her and I seemed to have hit
17 it off.

18 **Q. And where are the notes that were taken**
19 **during the Friend interview?**

20 MR. COYNE: Objection, foundation.

21 BY THE WITNESS:

22 A. Shredded.

23 BY MR. STARR:

24 **Q. Okay. You had a shredder at the**

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1 **office?**

2 A. We had a couple of them. Not in our
3 office, per se. We'd go find somewhere to rip
4 them up, throw them in a garbage can.

5 **Q. And that was your practice?**

6 A. That was the practice. That was the
7 practice then, yes. There is a policy now
8 that's different, but that was the practice in
9 '15.

10 **Q. And as of 2019, your understanding of**
11 **the policy changed, that you were supposed to**
12 **retain these notes?**

13 A. I think it was 2019, yeah. I'm not 100
14 percent sure. There's state law on it if it's a
15 homicide investigation. There is a number of
16 issues that are -- that are out there.

17 **Q. And when you were writing your report**
18 **to submit to your supervisor, would you write**
19 **that on a computer?**

20 A. Some of it on -- well, obviously, it
21 went on the computer. Well, yeah. I suppose
22 when I started, I still used a typewriter, but
23 it switched to computers pretty quick.

24 **Q. How about this Exhibit 1?**

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1 A. That's --

2 Q. Did you write that on a computer?

3 A. That's computer-generated, yeah.

4 Q. And so if it was computer-generated,
5 you would save the draft, and then you
6 would submit the draft --

7 A. You'd go back to it, yeah. But usually
8 I roughed it out longhand is -- was -- just my
9 own -- from, I guess, when I started.

10 Q. So you would handwrite the report
11 before you'd type it up?

12 A. Pretty much, yeah.

13 Q. Okay. Did you handwrite this report
14 before you typed it up?

15 A. I really don't recall.

16 Q. Okay.

17 A. I probably wrote the better part of it
18 out and then went to the computer.

19 Q. But since you wrote this report on a
20 report [sic] -- or strike that.

21 Since you wrote this report on a
22 computer, there should be a saved draft on a
23 computer, correct?

24 A. I would guess so.

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1 **Q. Okay. And if you wrote more than one**
2 **draft, there should be more than one saved**
3 **draft, correct?**

4 MR. COYNE: Objection, foundation.

5 BY THE WITNESS:

6 A. Well, I -- I mean, I don't know how --
7 let me tell you something about me and
8 computers. We are not best friends. I can't
9 even remember -- I can't even remember how it --

10 THE COURT REPORTER: Sorry?

11 MR. COYNE: You can't remember what?

12 THE WITNESS: Huh?

13 MR. COYNE: You have your hand over your
14 mouth.

15 BY THE WITNESS:

16 A. I can't -- I can't remember how it
17 went.

18 BY MR. STARR:

19 **Q. In 2015?**

20 A. I'm trying to be -- you know, it's only
21 been a couple of years, but things are done
22 electronically now as I was leaving, but back
23 then, it was just an old computer. You'd type
24 it up, just go back in and make corrections on

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1 it, yeah.

2 **Q. But in 2015, you would have saved -- if**
3 **you had written more than one draft of the**
4 **report, you would have saved --**

5 A. No. It would have been one --

6 THE COURT REPORTER: Sorry. If you could
7 wait until he finishes asking his question.

8 MR. COYNE: Yeah. Just let him finish the
9 question.

10 THE WITNESS: Okay.

11 MR. COYNE: Take it easy on Madam Court
12 Reporter.

13 THE WITNESS: I'm sorry. I'm sorry.

14 BY MR. STARR:

15 **Q. So let me just reask it.**

16 **So in 2015 when you wrote this draft on**
17 **a computer, if you had written more than one**
18 **draft on the computer, you would have**
19 **necessarily had to save more than one draft,**
20 **correct?**

21 MR. COYNE: Objection, foundation.

22 BY THE WITNESS:

23 A. It would have been -- I would not have
24 saved the whole copy. I would have just -- I'd

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1 just go back to what I was doing and change a
2 line, move a paragraph up or down, or something
3 of that nature. But there wouldn't be, like,
4 five copies of the draft in various stages in
5 the computer. I mean, I don't know computers
6 well, but I don't think that's how it works.

7 **Q. Do you -- do you have any independent**
8 **recollection of whether or not there -- you did**
9 **more than one draft of this report?**

10 A. Do I have any independent --

11 **Q. Yeah.**

12 A. Did I -- say that again.

13 **Q. Okay. Do you have an independent**
14 **recollection of whether or not there was more**
15 **than one draft of this report that was done by**
16 **you?**

17 A. More than one completed draft and then
18 I changed it?

19 **Q. Just specifically --**

20 A. Oh.

21 **Q. -- do you have any independent**
22 **recollection of whether or not you drafted more**
23 **than one draft of this?**

24 A. It took me more than one time to write

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1 the report. I may have -- I couldn't tell you.
2 I have no specific recollection. I generally
3 scribbled out a whole bunch, and then I would go
4 to the computer and stop/start, stop/start. I
5 might start the damn thing and then get -- go do
6 something else and forget about it for a week.

7 **Q. So this is a yes or no question.**

8 **Would you agree that the primary**
9 **purpose in going out and trying to conduct these**
10 **interviews with witnesses in post-conviction**
11 **cases was to determine the guilt or innocence of**
12 **the individual that was convicted?**

13 MR. COYNE: Objection, form.

14 MR. HOLMES: Object -- can the question be
15 repeated, please, by Madam Court Reporter?

16 (Whereupon, the record was read
17 as requested.)

18 MR. HOLMES: So on behalf of the State's
19 Attorney's Office, I instruct the witness not to
20 answer on the ground of the deliberative process
21 privilege. Although framed to encompass a range
22 of cases, the question is framed so as to
23 encompass a very specific range of cases, and,
24 therefore, it's seeking to invade the

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1 deliberative processes of the office in relation
2 to those specific cases. So that's the
3 instruction.

4 I instruct the witness not to answer.

5 BY MR. STARR:

6 **Q. Are you going to take the State's**
7 **Attorney's --**

8 A. I -- I couldn't follow all of --

9 MR. COYNE: So he's -- the State's
10 Attorney -- the Assistant State's Attorney --

11 THE WITNESS: Right.

12 MR. COYNE: -- Mr. Holmes has instructed you
13 not to answer that question based on the
14 deliberative process privilege. I would urge
15 you to follow Mr. Holmes' instruction in that
16 regard.

17 THE WITNESS: Got you.

18 MR. COYNE: I'm the loudest one here, I
19 think. That's why I --

20 BY MR. STARR:

21 **Q. Are you going to respect the State's**
22 **Attorney's instruction and refuse to answer my**
23 **question?**

24 A. Ask it again, but, yes, I'm probably

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1 going to.

2 **Q. Ask the original question again?**

3 A. Sure.

4 **Q. Well, I'm going to ask it a different**
5 **way.**

6 **So in the McIntosh -- do you remember**
7 **testifying in the McIntosh case?**

8 A. Now we are talking about something
9 different.

10 **Q. I'm not trying to --**

11 A. I'm not going to answer that.

12 **Q. I'm not trying to confuse you.**

13 A. I will stand by what -- what he
14 recommended.

15 MR. COYNE: And for the record, the witness
16 has adopted the instruction of Mr. Holmes and is
17 refusing to answer the question -- the last full
18 question asked based upon the deliberative
19 process privilege just so we are clear on the
20 record.

21 BY MR. STARR:

22 **Q. And I'm -- and I'm not trying to**
23 **confuse you, but do you -- you previously**
24 **testified that you were deposed in the McIntosh**

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1 **case, correct?**

2 A. What about the McIntosh?

3 **Q. You were -- you gave a deposition in**
4 **that case?**

5 A. That's correct.

6 **Q. And do you recall testifying in that**
7 **case during that deposition that the primary**
8 **purpose in going out to conduct these interviews**
9 **was to determine the guilt or innocence of the**
10 **convicted person?**

11 MR. COYNE: Before you answer that question,
12 let me just interpose for the record: With
13 respect to any questions to this witness as to
14 the McIntosh case, there was a motion for a
15 protective order filed pursuant to Rule 26. It
16 was filed with the court based upon, among other
17 bases, the fact that it was not legally
18 appropriate to ask the questions to this witness
19 about the McIntosh case.

20 That motion for a protective order was
21 overruled. It was denied, and, therefore, I
22 will allow him to answer. But I do want to make
23 a record that we -- for a continuing line of
24 objections to any questions to this witness

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1 about the McIntosh or any other case unrelated
2 to this case. For the record, I object to those
3 questions.

4 Go ahead.

5 MR. HOLMES: And I -- is the question
6 completed, or are you going to ask a new
7 question?

8 MR. STARR: Well, I think I'm just going to
9 leave the question I asked. I don't know if he
10 remembers it or not, but I'm certainly going
11 to -- I'm going to just try to move forward
12 here.

13 MR. HOLMES: So it's seeking a yes or no
14 answer as to a document that speaks for itself,
15 but the Office objects to the extent that
16 counsel would be seeking for Mr. Brannigan to
17 elaborate at all beyond a yes or no answer on
18 the ground of the deliberative process
19 privilege, and I would instruct the witness not
20 to elaborate beyond a yes or no answer on the
21 ground of deliberative process privilege.

22 BY MR. STARR:

23 **Q. Do you remember my question?**

24 A. Something about McIntosh and do I

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1 remember.

2 Q. Yeah. I just --

3 A. Okay.

4 Q. I'm wondering whether or not you
5 remember during the McIntosh deposition you
6 testified that it was your understanding that
7 the primary purpose in going out and
8 interviewing these witnesses was to help
9 determine the guilt or innocence of the
10 convicted person.

11 MR. HOLMES: Same objection.

12 MR. COYNE: Same objection as well.

13 BY MR. STARR:

14 Q. Do you remember giving that testimony,
15 Mr. Brannigan?

16 A. I --

17 MR. HOLMES: Same objection and conditional
18 instruction.

19 BY THE WITNESS:

20 A. I just don't recall.

21 BY MR. STARR:

22 Q. Okay. When you went out to interview
23 witnesses and during your role as an
24 investigator with the State's Attorney's Office,

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1 **was it ever the goal to try to defend the**
2 **conviction that existed?**

3 MR. COYNE: Objection, form, foundation.

4 MR. HOLMES: I object to this question to the
5 extent that it seeks for the witness to expound
6 upon any specific case in relation to that
7 question and instruct the witness not to answer
8 in relation to any specific case on ground of
9 the deliberative process privilege.

10 BY MR. STARR:

11 **Q. Are you going to refuse to answer my**
12 **question?**

13 A. He is -- he is requesting I don't
14 answer.

15 **Q. Was it ever your opinion that your job**
16 **was to go out and defend a conviction when**
17 **interviewing witnesses during your work as an**
18 **investigator --**

19 MR. COYNE: Objection, form.

20 Go ahead.

21 MR. HOLMES: On behalf of the State's
22 Attorney's Office, I instruct the witness not to
23 answer on the ground of the deliberative process
24 privilege.

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1 BY THE WITNESS:

2 A. I'm not an attorney, so I'm going to
3 follow the advice of the attorneys.

4 BY MR. STARR:

5 Q. And I'll note for the record that
6 during the McIntosh deposition, the State's
7 Attorney's Office let you answer that --

8 A. Pardon?

9 Q. -- question.

10 I said I will note for the record that
11 during the McIntosh deposition, the State's
12 Attorney's Office had a different position.
13 They let you answer that question, but the
14 document speaks for itself.

15 A. You've got to talk slower. I'm sorry.

16 Q. I will note for the -- I'm trying to
17 get everybody out of here. Everyone's
18 complaining about getting out of here.

19 MR. COYNE: I wasn't.

20 MR. STARR: I will note for the record --
21 everybody but John.

22 MR. COYNE: And the witness.

23 MR. STARR: I will note for the record that
24 during the McIntosh deposition, the State's

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1 Attorney's Office let you answer that question,
2 but I will -- I will respect your --

3 THE WITNESS: Okay.

4 BY MR. STARR:

5 Q. -- decision not to answer.

6 You were asked about your independent
7 recollection in this case.

8 Do you remember those questions that
9 Ms. West asked?

10 A. Yes, ma'am.

11 Q. How do you --

12 A. Yes, sir.

13 Q. No worries.

14 How do you define the term -- what do
15 you mean when you hear the -- strike that.

16 When you say you have an independent
17 recollection, what do you mean by that?

18 A. That I -- I recall this interview, you
19 know, pretty much every period and --

20 Q. Okay.

21 A. You know, I mean, the report helped, of
22 course, refresh my memory, but I -- I recall the
23 interview.

24 Q. Yeah. So --

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1 A. I recall speaking with her and sitting
2 there with her.

3 **Q. So I have a slightly different**
4 **definition I want you to understand regarding**
5 **independent recollection.**

6 **When I use the term "independent**
7 **recollection," what I'm talking about is your**
8 **physical memory of events and conversations you**
9 **had without the aid of a report sitting in front**
10 **of you that you can refer to, without the aid of**
11 **any conversations you had with anybody, whether**
12 **it was your partner or your attorney; is that**
13 **fair?**

14 MR. COYNE: I'm just going to object to
15 physical memory.

16 Go ahead.

17 BY THE WITNESS:

18 A. If -- if -- run it by me again.

19 BY MR. STARR:

20 **Q. Yeah. I just want to make sure that**
21 **makes -- this makes sense to you as a**
22 **definition.**

23 A. It -- I remember this interview because
24 it was pretty egregious compared to most of our

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1 interviews. It was, you know, two affidavits.
2 We don't often get two affidavits, and she
3 was -- what's the term I'm trying to say?

4 She was very -- she was almost glad to
5 see us come there. There was no what am I doing
6 there. It was an interesting interview compared
7 to most, and I pretty much recall every sentence
8 in that affidavit as soon as I remembered what
9 case it was about.

10 **Q. And you say this was more egregious**
11 **than the normal case?**

12 A. Than the normal ones, yeah.

13 **Q. And could you explain why that -- why**
14 **that is the case, why you felt that?**

15 A. Usually, we get -- they -- when they're
16 like that, "Ah, I just signed it to help a
17 friend," and that's the end of an affidavit.
18 It's all bogus, things -- things of that nature
19 or, "No. That's my affidavit and I'm sticking
20 to it." But we do get some, and this one stuck
21 out. Two times. She was fairly articulate. I
22 just remember this one.

23 **Q. Okay. So when Ms. West asked you**
24 **initially what your independent recollection**

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1 was, my -- my memory of your testimony was that
2 you said that Ms. Friend was pleasant, that it
3 wasn't a long, drawn out interview, that it was
4 in her kitchen in her apartment, and that was
5 basically it. Okay?

6 A. Yeah.

7 Q. Did you -- do you remember testifying
8 to that?

9 A. Pretty much, yeah.

10 Q. And then when Ms. West put the
11 document -- report in front of you and asked you
12 questions about your recollection, you were able
13 to look down at the report and answer her
14 questions, correct?

15 A. Correct.

16 Q. And so I would like for you without the
17 aid of the report -- and I know we've already
18 went over it once, but if you can tell me
19 what -- everything you independently recall
20 about this interview.

21 MR. COYNE: Objection, asked and answered.

22 BY THE WITNESS:

23 A. Is it -- this -- I'm not here for a
24 memory contest. I just did the best I could.

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1 BY MR. STARR:

2 Q. I understand that, sir.

3 A. And I got that.

4 Q. I understand.

5 You were looking at the report when you
6 were answering questions about your
7 independent --

8 A. Correct, in that --

9 THE COURT REPORTER: Sorry, sorry.

10 BY MR. STARR:

11 Q. You were looking at the report when you
12 were answering questions about the -- your
13 independent recollection, which is not an
14 approach that I would normally take with a
15 witness, because I think that would undermine
16 your independent recollection.

17 I'm asking you now without the report
18 in front of you, can you tell me everything that
19 you independently recall -- independently recall
20 about that interview?

21 MS. MORRISON: Objection, argumentative.

22 MS. WEST: Join. Asked and answered.

23 MR. COYNE: Renewed asked and answered.

24 MS. WEST: Yeah.

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1 THE WITNESS: Pardon?

2 MR. COYNE: I just renewed the objection of
3 asked and answered.

4 THE WITNESS: So then --

5 MR. COYNE: There is a question pending. We
6 have all -- we've objected.

7 The question is, without the aid of
8 your report, can you testify --

9 BY THE WITNESS:

10 A. Do I think -- I'm pretty sure I could.
11 What would you like me to tell you? Ask me a
12 question.

13 BY MR. STARR:

14 **Q. I would -- I would like you to tell me**
15 **everything that you independently recall about**
16 **that interview without looking at your report**
17 **while you give that answer.**

18 A. Okay. We went -- went to her house,
19 identified ourselves, which is routine. She was
20 very pleasant. Asked her if she would sit for
21 the interview regarding two affidavits she had,
22 showed her the affidavits, started -- "Tell me
23 what happened." She identified the affidavits.
24 I remember that. And then, "What's this all

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1 about?"

2 And then she went through her story and
3 stuff about these people were bothering her,
4 coming to her, and pestering her family members
5 and that one -- one was telling her -- I believe
6 it was Fletcher -- I believe, Fletcher's sister.
7 The other one said he was an uncle or something
8 and that they were telling her not to go to
9 court, that they would give her money, and then
10 she was -- she said eventually she found --
11 she -- she described the people, tall black guy,
12 who -- and that was the uncle.

13 And then she said she found -- she said
14 she was given money. I remember asking her
15 about the money. "Well, money, what are you
16 talking about?"

17 "Well, I found money orders in my
18 mailbox."

19 "What did you do with the money
20 orders?"

21 "Well, I cashed them."

22 "Who dropped them?"

23 "Well, I'm not sure, but I think it was
24 them," things of that nature. And then -- well,

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1 you know, we talked to the detectives. Then we
2 went over the affidavits, and we went over them.
3 And, "Is this true?"

4 "No, no, no. I was in jail at that
5 time. And they wrote a letter for me."

6 I remember that specifically. She
7 says, "Yeah. I was in my jail clothes."

8 And I said, "Well, will you mark these?
9 You know, how about we look at this, and we'll
10 go over -- and I will read it to you, you read
11 your copy, and we will go over it, and you mark
12 down everything that's true or false.

13 And then if you have anything you want
14 to add to improve upon that or clarify it, go
15 right ahead. And away we went and we -- step by
16 step by step each one of the little parts of the
17 affidavit. It was nothing there that was
18 surprising. It was just that simple.

19 **Q. Is that everything you independently**
20 **recall about that interview?**

21 A. Yeah. It was just that simple.

22 **Q. Okay.**

23 A. It was not -- I mean, she told the
24 story right up front. And it's pretty unusual;

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1 you know, two separate affidavits, the money
2 business. "What did you do with the money?"
3 She said she told -- gave -- told the State's
4 Attorney and the detectives about it. What they
5 did, I don't know. But it was not a tricky,
6 long, involved interview.

7 **Q. What members of her family were the**
8 **people bothering?**

9 A. She described it as one -- one who --
10 that was her term -- identified herself as a
11 sister and the other guy was an -- was an uncle.

12 **Q. Right.**

13 **But I thought -- I think you just**
14 **testified that she told you that these people**
15 **were bothering members of her family.**

16 A. They were bothering her.

17 **Q. But not members of her family?**

18 A. Oh, I don't -- I don't think she's
19 got -- I'm not sure.

20 **Q. Okay.**

21 A. But bothering her.

22 **Q. What did Ms. Friend look like?**

23 A. You know, I -- she was nothing unusual.
24 I couldn't tell you that she was -- I don't get

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1 yelled at -- obese. She just -- yeah. I mean,
2 I don't know that I would recognize her if she
3 walked in here right now. But she was just a
4 regular -- there was nothing unusual about her.
5 There was no conflict here. There was no --
6 nothing unusual, just went through it, other
7 than, "Holy moly. They are giving you money"
8 and all this.

9 **Q. Do you have any independent**
10 **recollection of what she looked like?**

11 A. She was black.

12 **Q. Besides being black, do you have any**
13 **independent recollection?**

14 A. Maybe -- maybe a little on the heavier
15 side, but she was not in -- a particularly
16 attractive woman. Middle aged, 30, something
17 like that. I don't know. I could look at the
18 thing and refresh my memory. But there was
19 nothing unusual about her.

20 **Q. Yeah, I don't want to -- I'm not trying**
21 **to -- I'm just trying to find out what your**
22 **actual independent recollection is.**

23 A. It's pretty clear on --

24 **Q. That's what the question is.**

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1 A. -- on this thing now. I mean, it was a
2 simple interview.

3 **Q. Was she light-skinned or dark-skinned**
4 **black?**

5 A. Medium, kind of medium.

6 **Q. Was she -- you said she was -- did you**
7 **say she wasn't obese or she wasn't a beast? I'm**
8 **not --**

9 A. I said obese. She wasn't, like,
10 grande, a --

11 **Q. She wasn't --**

12 THE COURT REPORTER: I'm sorry?

13 BY THE WITNESS:

14 A. Grande. She wasn't big. She wasn't
15 real big. She wasn't -- just a regular person,
16 as far as I recall.

17 BY MR. STARR:

18 **Q. Okay. Do you remember what sort of**
19 **hairstyle she had?**

20 A. No.

21 **Q. Do you remember what color hair she**
22 **had?**

23 A. No. I don't remember if she had any
24 pink hair or purple hair. I suspect she just

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1 had regular hair, or I would -- it would stick
2 out in my memory better.

3 **Q. Do you recall how tall or how short she**
4 **was?**

5 A. Medium height, you know. She wasn't
6 real tiny.

7 **Q. What do you mean by that?**

8 A. She wasn't real big. Let's go with
9 5'6", 5'7" or something. I can't even --

10 **Q. And you have an independent**
11 **recollection of it, or are you guessing?**

12 A. Pardon?

13 **Q. Are you guessing that height or --**

14 A. I -- I'm guessing. I didn't measure
15 her. Yeah.

16 MR. COYNE: We don't guess in depositions. I
17 urge you as your counsel not to guess in this
18 deposition.

19 THE WITNESS: Yes.

20 MR. COYNE: That's my advice to you.

21 THE WITNESS: Yes, sir.

22 BY MR. STARR:

23 **Q. Do you have any independent**
24 **recollection of what color her eyes were?**

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1 A. Independent recollection, no. I didn't
2 look to see what color her eyes are.

3 **Q. Do you have any independent**
4 **recollection of any other physical**
5 **characteristics that she had?**

6 A. No.

7 **Q. And then beyond what you've just**
8 **testified to, do you have any other independent**
9 **recollection whatsoever?**

10 A. Of?

11 **Q. Of your interview with Ms. Friend.**

12 A. I'd say it was unusual.

13 THE COURT REPORTER: Sorry?

14 BY THE WITNESS:

15 A. Just that it was a bit unusual with the
16 giving her money and -- or finding money in the
17 mailbox being dropped there by somebody.

18 BY MR. STARR:

19 **Q. All right. So let me ask you about**
20 **that.**

21 I think you testified when Ms. West was
22 questioning you that she never specifically told
23 you that the money was from members of James
24 Fletcher's family; is that --

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1 A. Say it again.

2 **Q. I believe when Ms. West was questioning**
3 **you, you testified that Ms. Friend never**
4 **specifically told you that the money was from**
5 **members of Fletcher's family.**

6 A. That that's my recollection, yeah.

7 **Q. Okay.**

8 A. I believe so.

9 **Q. Okay. And then I think you just**
10 **testified when I asked about your independent**
11 **recollection that she did tell you that.**

12 **So which one is it?**

13 A. I don't --

14 MR. COYNE: Objection. That mischaracterizes
15 the witness' testimony.

16 MS. WEST: Join.

17 BY MR. STARR:

18 **Q. So she never told you that members of**
19 **the Fletcher family --**

20 A. I don't -- I don't recall --

21 THE COURT REPORTER: Sorry?

22 MR. COYNE: Objection, asked and answered.

23 Go ahead.

24

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1 BY MR. STARR:

2 Q. She never told you that members of
3 Fletcher's family gave her any money, correct?

4 MR. COYNE: Objection, asked and answered.

5 BY THE WITNESS:

6 A. Correct.

7 BY MR. STARR:

8 Q. Okay. Do you recall any other
9 questions that you asked Ms. Friend?

10 A. That would have all been in the report.

11 Q. Okay. Did you ever ask Ms. Friend if
12 she positively identified Mr. Fletcher?

13 A. Just what she noted on the -- that it
14 was Fletcher on the affidavits.

15 Q. Did you ever ask Ms. Friend if
16 Mr. Fletcher was guilty of the crime?

17 A. Did I ask her if he was guilty?

18 Q. Yes.

19 A. No, I did not.

20 Q. Why not?

21 A. My job is to interview her, seek the
22 truth.

23 Q. But you didn't think that seeking the
24 truth would also involve asking her whether or

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1 **not she witnessed Mr. Fletcher commit the crime?**

2 A. There is a judge that will decide
3 what's the truth and what's not and whether he's
4 guilty or not.

5 **Q. Right.**

6 But you said your job is to seek the
7 truth. So as a part of your job of seeking the
8 truth, you did not think to ask her whether or
9 not she witnessed Mr. Fletcher commit the crime,
10 correct?

11 MR. COYNE: Objection, asked and answered.

12 Go ahead.

13 BY THE WITNESS:

14 A. Say it again.

15 MR. STARR: Can you read that back?

16 (Whereupon, the record was read
17 as requested.)

18 BY THE WITNESS:

19 A. I did not specifically ask her. It was
20 indicated by her writings and notations.

21 BY MR. STARR:

22 **Q. Do you know whether or not Ms. Friend**
23 **actually saw Mr. Fletcher commit this crime?**

24 A. Do I know? I wasn't there, so I

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1 wouldn't know.

2 **Q. And you didn't ask Ms. Fletcher**
3 **[sic] -- or Ms. Friend that, so you --**

4 A. Ms. Friend. That's who you meant
5 before.

6 THE COURT REPORTER: Sorry?

7 BY THE WITNESS:

8 A. I take that back, because you said
9 Fletcher, I believe, if I saw Ms. Fletcher.

10 BY MR. STARR:

11 **Q. Okay. Maybe I -- maybe I misspoke. I**
12 **apologize.**

13 A. Can you go back to that? I just want
14 to be clear.

15 **Q. Do you -- Do you know whether or not**
16 **Ms. Friend --**

17 A. No. I want her -- can she read this
18 back?

19 MR. COYNE: He is going to repeat the
20 question.

21 MR. STARR: Yeah.

22 BY MR. STARR:

23 **Q. And if I misspoke, I apologize.**

24 **Do you know whether or not Ms. Friend**

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1 **actually saw Mr. Fletcher commit this crime?**

2 A. Do I know? Yes, by her notations. I
3 did not ask her.

4 Q. Okay. So you never asked Ms. Friend if
5 she actually witnessed Ms. Fletcher --
6 Mr. Fletcher commit the crime, correct?

7 A. Correct.

8 Q. So you don't actually know whether or
9 not Ms. Friend saw Mr. Fletcher commit the
10 crime, correct?

11 A. I wasn't there, so I wouldn't know if
12 she did or didn't.

13 Q. Okay. You were asked some questions
14 about Terry Rogers.

15 Do you remember those questions?

16 A. Yes.

17 Q. Other than your -- other than your
18 assignment to interview Ms. Friend, do you have
19 any independent recollection that you were
20 assigned to do anything else on this particular
21 case?

22 A. And Terry -- is that the one where the
23 e-mail went?

24 Q. Yeah.

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1 A. Yeah. I was probably asked to at least
2 locate him.

3 **Q. Yeah, you mentioned --**

4 A. There may have been other people, too,
5 but I don't recall them.

6 **Q. You mentioned that in some cases where**
7 **you were conducting interviews, at some point in**
8 **time you were waived off on conducting other**
9 **interviews.**

10 **Do you remember saying that?**

11 MR. COYNE: Objection, form.

12 BY THE WITNESS:

13 A. Yes.

14 BY MR. STARR:

15 **Q. Were you waived off on interviewing**
16 **Mr. Rogers in this case?**

17 A. I don't remember how it came about, but
18 it's routine that you may be given four people
19 to locate in an attempt to get an interview, and
20 you might do two. You might do one. You might
21 do all of them, but it's routine for them to --
22 the State -- them, being the Assistant State's
23 Attorneys, to say, "We are moving on to
24 something else," or "I have got another case.

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1 Put this on hold," and it just stops. And
2 sometimes they come back, and sometimes they
3 don't. I have no idea.

4 **Q. Do you have any independent**
5 **recollection in this case whether or not you**
6 **were waived off of interviewing Terry Rogers?**

7 A. I must have been or we would have kept
8 looking for him.

9 **Q. Do you have an independent recollection**
10 **of whether or not you were waived off of**
11 **interviewing Emmett Wade in this case?**

12 A. They must have decided we didn't need
13 to find him, because I don't remember
14 interviewing him.

15 **Q. Do you have any independent**
16 **recollection of whether or not you were waived**
17 **off of interviewing Edward Cooper?**

18 A. I'm -- same -- same position. I didn't
19 interview him, and either I didn't find him or I
20 was told to let it go.

21 MR. COYNE: The question is whether you have
22 an independent recollection.

23 BY THE WITNESS:

24 A. I don't have -- okay. I got you there.

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1 I don't have an independent -- if I was
2 actually waived off.

3 BY MR. STARR:

4 Q. Is it your testimony that your only
5 involvement with the Sorrell homicide -- Willie
6 Sorrell was the victim.

7 A. Wait. The only involvement --

8 Q. Let me just ask it again.

9 So Willie Sorrell -- do you know that
10 Willie Sorrell was the victim in this case?

11 A. Who?

12 Q. Willie Sorrell was the man who --

13 A. Oh, he is the old guy that caught the
14 stray bullet?

15 Q. Yes.

16 A. Yeah, okay.

17 Q. Okay.

18 A. He is the victim, right.

19 Q. So is it your testimony that your only
20 involvement in the Willie Sorrell homicide
21 investigation occurred when you were working at
22 the Cook County State's Attorney's Office in the
23 2000s?

24 A. That's the only thing I can recall,

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1 yeah.

2 **Q. And is it your testimony that you had**
3 **no involvement with the Sorrell homicide**
4 **investigation when you were employed by the**
5 **Chicago Police Department?**

6 A. That's my best recollection, correct.

7 **Q. In terms of the underlying police**
8 **investigation of the Sorrell homicide, do you**
9 **have any knowledge of that investigation when it**
10 **was ongoing?**

11 A. Wait. The '9- -- '90 portion or the
12 later one? Either one. I don't -- I don't have
13 any --

14 **Q. Yeah. So --**

15 A. -- recollection of it.

16 **Q. Let me break it up just to be clear.**
17 **So you know the murder happened in**
18 **1990.**

19 A. I -- yeah, I think it was '90.

20 **Q. And you were working for the Chicago**
21 **Police Department in 1990, correct?**

22 A. Correct.

23 **Q. In 1990, did you have any knowledge of**
24 **the ongoing investigation into the Sorrell**

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1 homicide?

2 A. No.

3 Q. Okay. And then you -- you realized
4 that it wasn't until 2002 that anyone was
5 arrested for that crime, correct?

6 A. I don't know when I learned that
7 anybody got arrested.

8 Q. So if I --

9 A. I didn't know anything about the case.

10 Q. If I represent to you that my client,
11 Mr. Fletcher, was arrested in 2002, would you
12 have any reason to doubt that?

13 A. No.

14 Q. Okay. So in 2002, you were working for
15 the Chicago Police Department, correct?

16 A. In 2002, I was working at the police
17 department, correct.

18 Q. And in the cold case unit, right?

19 A. Yes.

20 Q. Okay. In 2002 when this case was being
21 investigated, do you have any -- did you have
22 knowledge at the time of the Sorrell homicide
23 investigation?

24 A. No, sir. Not that I recall, no.

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1 **Q. Do you know that the Sorrell homicide**
2 **investigation was a cold case?**

3 MS. MORRISON: Object to foundation.

4 BY THE WITNESS:

5 A. Do I know if -- well, it would be
6 classified as one, because it happened in '90,
7 and in 2002, that's pretty old, yeah.

8 BY MR. STARR:

9 **Q. It's 12 years, right?**

10 A. Yeah. Whatever -- whatever it was,
11 yeah.

12 **Q. So did you have any knowledge when you**
13 **were working in the cold case unit of this being**
14 **a cold case that people were looking at?**

15 A. Not -- not to my knowledge. I just
16 can't recall it, that case popping up on the
17 radar.

18 **Q. And then based on your review of --**
19 **strike that.**

20 I think you testified -- and correct me
21 if I'm wrong. I think you testified that you
22 would have necessarily reviewed whatever was in
23 the file before you went out to interview
24 Ms. Friend, right?

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1 A. You reviewed what you had your hands
2 on.

3 **Q. Okay. And do you recall whether or not**
4 **there were police reports in the trial file that**
5 **you reviewed in this case?**

6 A. I can't recall.

7 **Q. All right. Well, do you have any**
8 **independent recollection of reviewing any police**
9 **reports in this Sorrell homicide?**

10 A. No. No, sir.

11 **Q. Okay. Do you know whether or not you**
12 **were -- actually did, in fact, review any police**
13 **reports in the Sorrell homicide before you**
14 **interviewed Ms. Friend?**

15 A. There would be no reason for me not to
16 look at some of them, but I don't know that I
17 looked at everything. Like I said before, I
18 don't know that I read every scrap of paper.

19 **Q. Do you have any independent**
20 **recollection of noticing or identifying anything**
21 **about the police investigation into the Sorrell**
22 **homicide that seemed unusual or improper?**

23 MR. COYNE: Objection. Objection, form.

24 MS. WEST: Join.

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1 MR. HOLMES: On behalf of the State's
2 Attorney's Office, I instruct the witness not to
3 answer on the ground of deliberative process
4 privilege.

5 I instruct the witness not to answer on
6 the ground of deliberative process privilege.

7 THE WITNESS: Okay. And that -- what was the
8 question?

9 BY MR. STARR:

10 Q. So the question was, do you have any
11 independent recollection of noticing anything
12 unusual or improper about the police
13 investigation into the murder of Willie Sorrell?

14 MR. HOLMES: Same objection. On behalf of
15 the State's Attorney's Office, I --

16 BY THE WITNESS:

17 A. Yeah. I am going to follow the advice
18 of the attorney.

19 BY MR. STARR:

20 Q. And you're refusing to answer my
21 question?

22 A. Yeah.

23 Q. Okay. Do you have any copies of any
24 notes that you took in the -- during your

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1 **assignment to the Fletcher case?**

2 A. Do I have any? No. No, sir.

3 **Q. And do you have any audio or video**
4 **recordings that you made at any point during**
5 **your assignment to the Fletcher case?**

6 A. No, sir.

7 **Q. Did you follow your usual practices**
8 **during your assignment to the Fletcher case?**

9 MR. COYNE: Objection, form.

10 THE WITNESS: What?

11 MR. COYNE: I just objected to form. You can
12 answer.

13 BY THE WITNESS:

14 A. I can't remember every single thing I
15 did, but I suspect I would have.

16 BY MR. STARR:

17 **Q. Do you recall any unique circumstances**
18 **that caused you to deviate from your typical**
19 **practices during your assignment to the Fletcher**
20 **case?**

21 MR. COYNE: Objection, form.

22 BY THE WITNESS:

23 A. No, sir.

24 BY MR. STARR:

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1 **Q. When was the first time you heard about**
2 **the Willie Sorrell homicide?**

3 A. And as I sit here now, no clue.
4 Probably when I was assigned to start looking
5 up -- it might have been more -- more than me
6 assigned to it, but when we were -- we -- I'll
7 use the collective "we" were assigned to look up
8 the case.

9 **Q. And do you have any recollection of**
10 **speaking to any of the officers investigating**
11 **the Willie Sorrell homicide while the**
12 **investigation was pending?**

13 A. Do I? No. I have no recollection of
14 speaking to any of them.

15 **Q. Did you ever speak to any officers**
16 **about the Willie Sorrell homicide investigation**
17 **at any point?**

18 A. No. I don't remember those guys. I
19 don't remember speaking to them anywhere or at
20 any time.

21 **Q. As part of your practice as a Cook**
22 **County State's Attorney investigator, would you**
23 **speak to the officers that investigated the**
24 **underlying crimes that you were investigating?**

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1 A. You might.

2 **Q. In what circumstances would you make an**
3 **effort to speak to the officers that were**
4 **originally assigned to the case?**

5 MR. COYNE: Objection, form and foundation.

6 BY THE WITNESS:

7 A. If the State's Attorney's Office
8 requested we do.

9 BY MR. STARR:

10 **Q. Okay. So it would only be the case**
11 **that you would talk to the officers if the**
12 **State's Attorney requested you go talk to the**
13 **officers?**

14 MR. COYNE: Objection; form, foundation.

15 BY THE WITNESS:

16 A. That's my best recollection right now,
17 yeah.

18 BY MR. STARR:

19 **Q. Well, you had a long, distinguished**
20 **career as a Chicago police officer.**

21 **I assume you knew a lot of police**
22 **officers, correct?**

23 A. That's correct.

24 **Q. Did you ever have an occasion while you**

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1 **were working a case for the State's Attorney's**
2 **Office, you saw officers you knew and you gave**
3 **them a call about the investigation?**

4 MS. MORRISON: Object to form.

5 BY THE WITNESS:

6 A. I may have, but I -- I don't recall any
7 specific case. I don't think there would be a
8 reason for me not to just to get a better
9 handle. I might have -- need help in finding a
10 witness, a myriad number of reasons, but off the
11 top of my head, I don't -- most people weren't
12 real happy for my position in the State's
13 Attorney's Office.

14 THE COURT REPORTER: Most people...

15 BY THE WITNESS:

16 A. Most detectives were not overly happy
17 to see us snooping around one of their
18 convictions, as you might imagine.

19 BY MR. STARR:

20 **Q. Why not?**

21 A. Because they want to -- "Let it go.
22 It's done. It's over." And they are worried
23 about ending up in court.

24 **Q. Did you ever have any cases that you**

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1 **investigated as a lead detective that were**
2 **overturned after a conviction?**

3 MS. MORRISON: Object to foundation.

4 MS. WEST: Join.

5 MS. MORRISON: Speculation.

6 BY THE WITNESS:

7 A. I -- I was never a lead detective.
8 That's a -- a formal spot right now. But that I
9 was involved in? I have been involved in cases,
10 I think, that were overturned, but I don't know
11 what my role would be. I can't think of
12 anything specifically right now, by I -- could I
13 talk to my lawyer about something? I --

14 MR. COYNE: Do you need to speak to me?

15 THE WITNESS: Yeah.

16 MR. COYNE: All right. Let's go off the
17 record.

18 MR. STARR: Do --

19 THE WITNESS: Yeah. Ask the question again.

20 MR. STARR: Hold on. Hold on. Hold on.

21 THE WITNESS: I want to make sure I got this.

22 MR. COYNE: Wait a minute. He just asked to
23 speak to me.

24 MR. STARR: I know, but he's in the middle of

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1 an answer. So I want to make sure he has
2 answered it before --

3 THE WITNESS: I want to make sure I
4 understand the question completely.

5 MR. STARR: Technically, he has got to finish
6 his answer.

7 THE WITNESS: Okay.

8 MR. COYNE: Well, that's -- I didn't know if
9 he did -- I didn't know that he didn't finish
10 it.

11 MR. STARR: I don't either.

12 THE WITNESS: Yeah. Give me the question
13 again, yeah.

14 MR. COYNE: If -- in order to answer the
15 question, he is entitled to speak to his
16 attorney to determine whether a privilege
17 applies. So he does not have to answer the
18 question in order to confer with his counsel
19 according to the federal rules.

20 But I'm not sure if he -- did you
21 answer that question or not?

22 THE WITNESS: I'm -- I'm not sure either.

23 MR. COYNE: Do you need -- in order to answer
24 that question --

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1 THE WITNESS: Have her read me the --

2 MR. COYNE: Yeah. Let me ask you a question.

3 THE WITNESS: Okay.

4 MR. COYNE: You mentioned speaking to me.

5 In order to answer that question, do
6 you need to speak to me about the potential
7 application of a privilege?

8 THE WITNESS: Well, you used the term "lead
9 detective." That's what I'm worried about. All
10 right?

11 MR. COYNE: Do you show, Madam Court
12 Reporter, that he answered that question or no?

13 MR. HOLMES: Or just if Madam Court Reporter
14 could read it back to us.

15 (Whereupon, the record was read
16 as requested.)

17 BY THE WITNESS:

18 A. That would be my answer.

19 MR. COYNE: Okay. I think he has answered
20 then.

21 BY MR. STARR:

22 **Q. Okay. And in the cases that you were**
23 **involved in that were overturned, you -- did you**
24 **agree or disagree with the convictions being**

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1 **overturned?**

2 MR. COYNE: Objection, form, foundation.

3 MR. HOLMES: I --

4 MR. COYNE: That requires speculation.

5 MR. HOLMES: Now, I have to interject here
6 that, Mr. Starr, this latest question does not
7 distinguish between Mr. Brannigan's time with
8 the City of Chicago versus his time with the
9 State's Attorney's Office.

10 Are you referring, Mr. Starr, to his --
11 any convictions in cases in which he was
12 involved being overturned from his time with the
13 City of Chicago?

14 MR. STARR: Yes.

15 MR. HOLMES: The witness can answer if he is
16 able to.

17 BY THE WITNESS:

18 A. What -- you've got to explain
19 "involved." I mean --

20 BY MR. STARR:

21 **Q. It was your term. So you said you were**
22 **involved in cases that were overturned.**

23 **The question is, those cases that you**
24 **have -- of the cases that you were involved in**

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1 **as a detective that were overturned, do you --**
2 **are there any that you agree with in terms of**
3 **the conviction being overturned?**

4 MR. COYNE: Same objections. Just same
5 objections as I interposed earlier.

6 You can answer if you can.

7 BY THE WITNESS:

8 A. Do I agree with the overturning? Let
9 me think.

10 MS. WEST: I'm just going to add a belated
11 foundation objection.

12 MS. MORRISON: And calls for a legal
13 conclusion.

14 BY THE WITNESS:

15 A. I will say yes. One. That's my best
16 guess -- best guess.

17 BY MR. STARR:

18 **Q. Okay. There is one case that you agree**
19 **that the conviction should have been overturned?**

20 A. No. It should not have been
21 overturned.

22 **Q. Okay.**

23 A. No, should not have.

24 **Q. Okay. Are there any that you do agree**

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1 **should have been overturned --**

2 MR. COYNE: Same objections.

3 BY MR. STARR:

4 **Q. That was my original question.**

5 A. Wait. Should have been overturned?

6 **Q. Yeah.**

7 A. As I sit here now, no.

8 **Q. Okay. And what is the case that you**
9 **disagree with that was overturned?**

10 MR. HOLMES: And speaking strictly to his
11 time at the City of Chicago as a detective?

12 BY THE WITNESS:

13 A. Right, at the City of Chicago; I
14 disagree with. I've got to get my cases
15 straight, and I could be wrong, but one that
16 was -- there's been a lot of cases over the
17 years. Nathson Fields.

18 THE COURT REPORTER: Sorry?

19 THE WITNESS: Nathon -- I think that's right.
20 Nathon or Nathson. Nathon is N-A-T-H-O-N [sic],
21 I believe. Last name is Fields, F-I-E-L-D-S.

22 BY MR. STARR:

23 **Q. And you disagree that that case --**
24 **strike that.**

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1 A. I think that's the one.

2 **Q. So in Nathson --**

3 A. That's my best recollection.

4 **Q. You think Nathson -- Nathson Fields was**
5 **guilty and that his conviction should not have**
6 **been overturned?**

7 A. I think that's the one. I'm not
8 100 percent positive.

9 **Q. Why do you think that?**

10 A. Because that's what I think based on
11 the -- the stuff that's out there, the evidence
12 that was out there.

13 **Q. And you investigated that case as a**
14 **detective?**

15 A. No. I was just part of the overall
16 investigation. I was not the guys that were the
17 main investigators. I was a detective assigned
18 to the gang unit for many, many, many years. I
19 worked with the detectives, but I was not the
20 homicide detective or the lead detective or
21 detective -- part of the lead detectives.

22 **Q. Do you have an independent recollection**
23 **of anything else that you said to Ms. Friend**
24 **that's not either represented in your report or**

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1 **that you've testified to today?**

2 A. Right now we are going back to --

3 **Q. Yeah.**

4 A. Going back to Ms. Friend?

5 **Q. Yeah.**

6 A. Okay. What now?

7 **Q. Do you have an independent recollection**
8 **of anything that you said to Ms. Friend that**
9 **either isn't in the report that you gave or in**
10 **your testimony today?**

11 A. No, sir. There would be no reason. It
12 should all be documented in that report.

13 **Q. Do you have any independent**
14 **recollection of anything she said that wasn't**
15 **documented in this report or that you haven't**
16 **testified to today?**

17 A. No. It would all be documented in the
18 report.

19 **Q. Can you tell how long the interview**
20 **took with Ms. Friend?**

21 A. Well, I couldn't do anything but give
22 you a guesstimate.

23 **Q. And I don't want you to guess.**

24 A. I couldn't tell --

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1 **Q. Do you have any independent**
2 **recollection at all?**

3 A. I couldn't tell you other than it was
4 not a three-hour interview. How's that?

5 **Q. Do you have an independent recollection**
6 **of how long the interview took?**

7 A. I just told you. I can give you a
8 guesstimate. We don't want to do that. It was
9 less than three hours, though.

10 **Q. So you can't -- you don't have an**
11 **independent recollection of how long it was**
12 **other than --**

13 A. How long --

14 THE COURT REPORTER: Sorry. If you could
15 wait. I --

16 MS. WEST: Let's just wait and not talk over
17 each other for her.

18 THE WITNESS: I'm sorry. I'm sorry.

19 MS. WEST: Thanks.

20 BY MR. STARR:

21 **Q. So you don't have an independent**
22 **recollection of how long the interview took**
23 **other than to say that it was less than three**
24 **hours, correct?**

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1 A. Other than it was what?

2 **Q. Less than three hours.**

3 A. Oh, yes. That's the best I can do.

4 **Q. Okay. Did you ever meet Ms. Friend's**
5 **mother?**

6 A. No, sir.

7 **Q. Does the name --**

8 A. Not that I recall, no.

9 **Q. Does the name Wanda Friend ring any**
10 **bells for you?**

11 A. No, sir.

12 **Q. Did Ms. Friend have any children at the**
13 **house when you went to interview her?**

14 A. I have no independent recollection of
15 any children, no.

16 **Q. Do you recall where she lived?**

17 A. Over on the West Side in a -- in a
18 bigger building. I think the address was
19 52-something North Locust. Something like that.

20 **Q. Do you recall what floor she lived on?**

21 A. Yeah. I think the second floor or the
22 third floor. I'm not sure. The second, I
23 believe.

24 **Q. And the interview took place in her**

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1 **kitchen.**

2 **Is that your testimony?**

3 A. Yeah. That's how I recall it, yes.
4 That's my best recollection.

5 **Q. Did Ms. Friend offer you anything to**
6 **drink when you were there?**

7 A. I -- I don't recall that, no.

8 **Q. Do you --**

9 A. I don't think I have been offered
10 anything to drink anywhere -- but go ahead -- in
11 interviews.

12 **Q. Did your partner, Mr. Carroll, ask any**
13 **specific questions that you can recall?**

14 A. Oh, I don't recall what he might have
15 asked right now. It's all in the report. Maybe
16 it was something -- part of that report may be
17 something he asked.

18 **Q. During your interview with Ms. Friend,**
19 **did she indicate to you that Mr. Fletcher's**
20 **attorney had offered her any payments or any**
21 **incentives to give her affidavit?**

22 A. No, she did not.

23 **Q. Did Ms. Friend indicate to you that she**
24 **had been threatened or coerced to give her**

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1 **affidavits?**

2 A. Threatened or coerced by who?

3 **Q. Coerced by anyone to give her**
4 **affidavits.**

5 A. She just said that she was bothered and
6 harassed by the family members, but she never
7 said she was threatened or coerced.

8 **Q. And Ms. Friend said that she was**
9 **bothered by the family members during the**
10 **criminal trial, correct?**

11 A. That would -- that would be correct,
12 yes, sir.

13 **Q. Was Ms. -- did Ms. Friend say that she**
14 **was bothered by any family members in order to**
15 **give her -- in order to incentivize her to give**
16 **an affidavit?**

17 A. Yes. That's what she wrote on her
18 affidavit. "These people were harassing me" or
19 something like that.

20 **Q. Did Ms. Friend indicate that any**
21 **promises had been made to her in exchange for**
22 **her affidavit by anyone?**

23 A. No, sir.

24 **Q. Did Ms. Friend indicate any impropriety**

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1 **by Ms. -- Mr. Fletcher's attorney?**

2 MR. COYNE: Objection, form.

3 You can answer.

4 BY THE WITNESS:

5 A. About the attorney?

6 BY MR. STARR:

7 **Q. Yeah.**

8 A. No.

9 **Q. Did you conclude that Mr. Fletcher's**
10 **attorney had engaged in any impropriety based on**
11 **your interview of Ms. Friend?**

12 MR. COYNE: Objection, form.

13 BY THE WITNESS:

14 A. No. I did not make any conclusion on
15 that. Her beef was with the -- the family
16 members and the advocate, whoever he was.

17 BY MR. STARR:

18 **Q. And so was it your interpretation that**
19 **Ms. Friend's interaction with Mr. Fletcher's**
20 **attorney was professional?**

21 MR. COYNE: Objection, form.

22 MS. WEST: Join.

23 BY THE WITNESS:

24 A. I -- I can only tell you that she

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1 didn't complain about the attorney.

2 BY MR. STARR:

3 Q. Okay. And did -- did Ms. Friend
4 indicate to you who Mr. Fletcher's attorney was
5 that got the affidavits?

6 A. Say it again now.

7 Q. Yeah.

8 A. Did Ms. --

9 Q. Did Ms. Friend indicate to you the name
10 of the attorney that got the affidavits from
11 her?

12 A. I can't remember.

13 Q. Did Ms. Friend tell you that the
14 attorney that came to her house to get the
15 affidavit was Ms. Black?

16 A. No. I know Ms. Black, or I know who
17 she is. No. She did not say that.

18 Q. Have you formed any personal opinion
19 about whether or not Mr. Fletcher was guilty or
20 innocent --

21 MR. HOLMES: Objection. On behalf of the
22 State's Attorney's Office, I instruct the
23 witness not to answer on the ground of the
24 deliberative process privilege.

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1 BY MR. STARR:

2 Q. I also wasn't done with my question,
3 but let me ask it again.

4 A. Okay.

5 Q. Do you have -- strike that.

6 Have you formed any personal opinion at
7 any point in time about whether or not
8 Mr. Fletcher was guilty or innocent of the
9 Willie Sorrell homicide?

10 MR. HOLMES: Objection. On behalf of the
11 State's Attorney's Office, I instruct the
12 witness not to answer on the ground of the
13 deliberative process privilege.

14 BY THE WITNESS:

15 A. And I'm not going to answer.

16 BY MR. STARR:

17 Q. As you sit here today as a nonemployee
18 of the State's Attorney's Office, do you have an
19 opinion about whether or not Mr. Fletcher is
20 guilty or innocent?

21 MR. HOLMES: Same objection and same
22 instruction. On behalf of the State's
23 Attorney's Office, I instruct the witness not to
24 answer on the ground of the deliberative process

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1 privilege.

2 BY THE WITNESS:

3 A. I will -- I will listen to the
4 attorneys.

5 BY MR. STARR:

6 Q. Okay. And you're going to take the
7 State's Attorney advice and not answer my
8 questions?

9 A. Yeah.

10 Q. And I guess it's an instruction and not
11 advice, but --

12 A. Pardon? I'm sorry.

13 Q. I said it was an instruction not to
14 answer.

15 A. Yeah.

16 Q. That's fine.

17 If during the time you were assigned to
18 the Fletcher investigation you had discovered
19 something improper about the police
20 investigation, what would you have done?

21 MR. COYNE: Objection, form, foundation,
22 incomplete hypothetical, and requires the
23 witness to speculate.

24 MS. WEST: Join.

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1 MS. MORRISON: Join.

2 BY THE WITNESS:

3 A. That's pretty speculative. I -- I -- I
4 follow the law. I follow the law. I would
5 follow all ethical responsibilities and all
6 policy responsibilities within the State's
7 Attorney's Office.

8 BY MR. STARR:

9 Q. And so --

10 A. Whatever that would be.

11 Q. So do you know in 2015 when you were
12 working on this case if you had discovered that
13 the detectives in this case had coerced the
14 witnesses to testify against Mr. Fletcher, would
15 you have informed anybody about that?

16 MR. COYNE: Objection, form, foundation,
17 incomplete hypothetical, and requires the
18 witness to speculate.

19 MS. WEST: Join.

20 BY THE WITNESS:

21 A. Is everybody done?

22 I would follow all my legal and ethical
23 and policy rules on what to do.

24 BY MR. STARR:

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1 **Q. Sure.**

2 **My question is, would you have informed**
3 **anybody of that -- that information if you had**
4 **learned --**

5 A. I would --

6 **Q. -- that information?**

7 MR. COYNE: Same objections.

8 BY THE WITNESS:

9 A. I would follow all my legal
10 responsibilities and obligations --

11 BY MR. STARR:

12 **Q. Were all --**

13 A. -- and policy.

14 **Q. What were your legal obligations in**
15 **2015 if you had learned that the detectives in**
16 **the Sorrell investigation had coerced and**
17 **manipulated witnesses to testify against**
18 **Mr. Fletcher? What were your obligations?**

19 MR. COYNE: Objection, foundation.

20 MR. HOLMES: I'll just object that the
21 witness is here as a fact witness and not a
22 26(a)(2) expert witness.

23 THE WITNESS: I'm sorry?

24 MR. HOLMES: It's not an instruction on this

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1 one, Mr. Brannigan. I'm just objecting for the
2 record that you are here as a fact witness and
3 not as an expert witness. But with that, you
4 can answer the question.

5 BY THE WITNESS:

6 A. Okay. I would have brought -- brought
7 that to the attention of -- whatever my legal
8 obligations were at that time.

9 If she had told me they were coerced.
10 Is that what you're saying again?

11 BY MR. STARR:

12 Q. I'm just trying to --

13 A. Read the question --

14 Q. I'm just trying to get a straight
15 answer.

16 If you -- if you had learned during
17 your assignment to this case that the detectives
18 had coerced and manipulated witnesses to give
19 false testimony, would you have told anyone?

20 MR. COYNE: Objection to form, foundation,
21 incomplete hypothetical, requires speculation,
22 and asked and answered.

23 BY THE WITNESS:

24 A. I already answered. He said I asked

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1 and answered it.

2 BY MR. STARR:

3 **Q. And you haven't -- and it's a yes or no**
4 **question.**

5 **Would you have told anyone if you had**
6 **learned that information, sir?**

7 MR. COYNE: Same objections.

8 THE WITNESS: I'm sorry?

9 MR. COYNE: I was just making the same
10 objections. I'm not instructing you not to
11 answer.

12 THE WITNESS: Okay.

13 MR. COYNE: I'm just making my same
14 objections.

15 BY THE WITNESS:

16 A. I already said it. I would follow all
17 my legal and ethical and policy obligations.
18 Whatever those were, I would do it.

19 BY MR. STARR:

20 **Q. So we can do this all day. I don't**
21 **want to, but we can.**

22 A. And I don't want to do it either.

23 **Q. Did you have any legal or ethical**
24 **obligation to tell anyone if you had learned**

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1 **that?**

2 MR. COYNE: Objection, form, foundation --
3 hang on.

4 Objection, form, foundation, incomplete
5 hypothetical, and the question requires the
6 witness to speculate impermissibly, I believe,
7 and also asked and answered.

8 MR. HOLMES: On behalf of the State's
9 Attorney's Office, I have two objections. One
10 is that, again, the witness is here as a fact
11 witness and not a 26(a)(2) expert witness with
12 legal obligations and conditions.

13 And, belatedly, I will instruct the
14 witness not to answer on the ground of the
15 deliberative process privilege because this --
16 this latest iteration of the question does seek
17 for Mr. Brannigan to offer his opinions and
18 mental impressions on the underlying case
19 itself. On that basis, I instruct the witness
20 not to answer.

21 BY THE WITNESS:

22 A. I'm getting a little confused here, so
23 I'm not going to answer.

24 BY MR. STARR:

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1 **Q. Are you going to --**

2 A. I'll follow his --

3 **Q. Sir, are you going to refuse to answer**
4 **my question --**

5 A. Yes.

6 **Q. -- about whether or not if you had**
7 **learned that these detectives had manipulated or**
8 **coerced witnesses --**

9 A. I would -- I would like to, and I am
10 going to follow the legal advice --

11 **Q. Okay.**

12 A. -- because I'm not an attorney.

13 MR. COYNE: And for the -- for the record, it
14 was an instruction from the State's Attorney and
15 not legal advice. It is an instruction you're
16 following, just for the record.

17 MS. WEST: Sean, when you get to a good
18 stopping point, just five minutes.

19 MR. STARR: Sure. We can take a break right
20 now.

21 (Whereupon, a short break was
22 taken.)

23 BY MR. STARR:

24 **Q. Mr. Brannigan, do you know Detective**

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1 **Jerome Bogucki?**

2 A. No, sir.

3 **Q. Did you ever work with him?**

4 A. No, sir.

5 **Q. Did you ever supervise him?**

6 A. No, sir.

7 **Q. Okay. So you -- it's safe to assume**

8 **you have no personal relationship with**

9 **Mr. Bogucki?**

10 A. That's correct.

11 **Q. How about Detective Ray Schalk, do you**

12 **know him?**

13 A. No, sir.

14 **Q. Did you ever work with him?**

15 A. No, sir.

16 **Q. Did you ever supervise him?**

17 A. No, sir.

18 **Q. And it's safe to say you have no**

19 **personal relationship with Detective Schalk?**

20 A. That's correct.

21 **Q. Do you know if you as a State's**

22 **Attorney investigator investigated any cases**

23 **that -- any other cases that Detective Bogucki**

24 **and Schalk were the primary detectives on?**

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1 A. I don't recall, but I don't think so.

2 Q. Okay. How about Detective Anthony
3 Noradin, do you know who that is?

4 A. Anthony who?

5 Q. Noradin.

6 A. No, sir.

7 Q. Or Tony Noradin?

8 A. I don't know him, no.

9 Q. Okay. Do you know who he is?

10 A. No, I don't think so.

11 Q. Did you ever work with him?

12 A. No, sir.

13 Q. Did you ever supervise him?

14 A. No, sir.

15 Q. Have any personal relationship with
16 Detective Noradin?

17 A. No, sir.

18 Q. How about Sergeant -- former Detective
19 Sergeant Tony or Anthony Wojcik, do you know who
20 that is?

21 A. I know Tony Wojcik, yes.

22 Q. Okay. And how do you know Tony Wojcik?

23 A. He was a detective in Area Two, I
24 believe, and he was a sergeant in cold case when

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1 I left, I think, but I never worked with Tony,
2 that I recall anyhow.

3 **Q. Did you ever supervise him?**

4 A. Not that I -- no. I don't remember
5 ever supervising him.

6 **Q. And you were a sergeant in cold case**
7 **contemporaneous to the time that Tony Wojcik was**
8 **a sergeant in cold case?**

9 A. If it was, it was for a hot minute, but
10 I don't think so.

11 **Q. Did you have any personal relationship**
12 **with Tony Wojcik?**

13 A. No, sir.

14 **Q. Did you ever do any -- and this is not**
15 **about Mr. Wojcik. This is about you.**

16 **Do you ever --**

17 A. I did what?

18 **Q. Yeah, sorry. This is not about Tony**
19 **Wojcik. This is about you.**

20 A. Okay.

21 **Q. Have you ever done any private**
22 **investigations outside of your State's Attorney**
23 **employment?**

24 A. In the past, yeah, but --

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1 **Q. And did you have an employer, or did**
2 **you work for yourself?**

3 A. Way back in the police department I
4 worked for myself, and anything I did would have
5 been as a contractor for a specific case.

6 **Q. Okay. Did you ever work for an**
7 **employer, though, in that capacity?**

8 A. Like a regular -- the XYZ Agency?

9 **Q. Yeah.**

10 A. Would --

11 **Q. Any agency or any LLC that was an**
12 **investigative agency.**

13 A. Yeah, once or twice.

14 **Q. Which ones were those?**

15 A. I remember -- I don't know what the
16 name of it was. The guy that owned it was a guy
17 named Davis, D-A-V-I-S; first name, Daniel.

18 **Q. Okay. And was that during your tenure**
19 **at the State's Attorney's Office?**

20 A. Police or State's Attorney. I
21 couldn't -- it's been a long time. I -- I
22 couldn't tell you.

23 **Q. Did you do any private investigation**
24 **when you were employed with the State's**

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1 **Attorney's Office?**

2 A. I don't -- I don't think so. I might
3 have done that Davis one, but I -- no, because
4 I -- I don't remember putting in a request to
5 work part time. I would have done that, and I
6 don't recall doing that, but I can't say with
7 any certainty.

8 **Q. Was that a policy of the State's**
9 **Attorney's Office when you were employed there**
10 **that if you wanted to work outside, you had to**
11 **put in a request?**

12 A. You had to put in a request.

13 **Q. Okay. Did you ever at any point in**
14 **time investigate any post-conviction cases from**
15 **a private standpoint, not the State's Attorney's**
16 **Office?**

17 A. Did I ever --

18 **Q. Yeah. Did you ever investigate a**
19 **post-conviction case --**

20 A. Post-conviction case.

21 **Q. -- outside of your employment with the**
22 **State's Attorney's Office?**

23 A. No, sir.

24 **Q. Do you know if -- did Tony Wojcik ever**

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1 **work for the State's Attorney's Office while you**
2 **were there?**

3 A. No, no. He -- I don't think he was
4 ever employed by the State's Attorney's Office.

5 **Q. Do you know if he is currently employed**
6 **by the State's Attorney's Office?**

7 A. Not that I'm aware of.

8 **Q. Do you know if Tony Wojcik had any**
9 **personal relationships with any other State's**
10 **Attorney investigators that you worked with?**

11 A. Say that again.

12 **Q. Do you know of any personal**
13 **relationships that Tony Wojcik had with any**
14 **State's Attorney investigators that you worked**
15 **with?**

16 A. No, I don't think so.

17 **Q. Have you ever seen Tony Wojcik be at**
18 **any State's Attorney social outings or**
19 **functions?**

20 A. No. I have only been to one or two,
21 maybe a Christmas party or something. I don't
22 remember seeing Tony Wojcik there.

23 **Q. Okay. What about Detectives Schalk and**
24 **Bogucki, do you know that they worked in the**

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1 **cold case unit?**

2 A. Did they? Is that what you're saying?

3 Did they --

4 **Q. Yeah.**

5 A. Do I know that they did?

6 **Q. Yeah, that's my question.**

7 A. Do I know that they did?

8 **Q. Yes.**

9 A. You're telling me they did?

10 **Q. I'm asking if you know that they worked**
11 **in the cold case unit.**

12 A. Not while I was there, I don't think,
13 no, no.

14 **Q. Do you know that this case, the**
15 **Fletcher case, was investigated by the cold case**
16 **unit in 2002?**

17 A. By the Chicago Police Department. Now,
18 the areas all had their own guy -- a couple of
19 guys that would work cold cases.

20 **Q. Okay. So there would be a citywide and**
21 **then there was also -- each area had their own**
22 **cold case unit?**

23 A. Yeah. They would have, you know, a
24 star, a coin, and your job would be to look at

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1 the old cases and we try and keep you out of the
2 rotation. But I don't -- I don't remember them
3 being assigned to the cold case squad at all.

4 **Q. Okay.**

5 A. And I don't remember this case in the
6 cold case squad. It doesn't mean somebody could
7 not have looked at it or whether they did. The
8 cold case squad was made up of detectives from
9 the different detective areas, as you might
10 imagine. They might have looked at it while I
11 was there, but I don't recall working on it, and
12 I don't recall anybody working on it, and I
13 don't recall whatever -- Schalk and --

14 **Q. Bogucki.**

15 A. -- Bogucki or whatever, no. I don't
16 recall them being there.

17 **Q. And your testimony about Mr. Wojcik**
18 **being part of the cold case, he was part of the**
19 **citywide cold case unit, or he was --**

20 A. I think he was part of the citywide
21 cold case when I left or just after I left, I
22 believe. Don't quote me.

23 **Q. How about two other detectives. Do you**
24 **know a detective by the name of Robert**

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1 **Rutherford?**

2 A. No, sir. The name does not ring a
3 bell.

4 **Q. How about a detective by the name of**
5 **Kevin McDonald?**

6 A. No, sir. The name does not ring a
7 bell.

8 **Q. Okay. And if I told you there was**
9 **testimony in this case from Rutherford, Bogucki,**
10 **and Schalk that they were working the**
11 **Fletcher -- the Sorrell investigation as a cold**
12 **case, would that surprise you?**

13 A. It would be a cold case in Area Five or
14 Area Six or wherever the hell they were area.
15 There's no -- because it was an old case,
16 they would be considered working a cold case,
17 but not out of the cold case squad.

18 **Q. Were you aware of any policies that**
19 **specifically dictated how a cold case was**
20 **supposed to be investigated that were part of**
21 **the Chicago Police Department?**

22 MS. MORRISON: Object to foundation.

23 BY THE WITNESS:

24 A. Say that one again.

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1 BY MR. STARR:

2 Q. Were you aware of any policies
3 governing how to investigate a cold case while
4 you were employed by the Chicago Police
5 Department?

6 A. Oh, I'm missing something here.

7 Q. Were you aware of any policies that
8 governed how to investigate cold cases --

9 A. Who could pick one up or who couldn't?

10 Q. Just any policies that applied to the
11 investigating of cold cases during your time at
12 the police department.

13 A. No, just what I mentioned earlier when
14 I was assigned to the cold case squad. I don't
15 even know if it was a written policy, but it
16 was -- it was a practice that the case should be
17 over a year old, a year or a little older, with
18 no activity on it; in other words, they hit a
19 dead end. Now, how the different areas did
20 their own is beyond me. I do not -- I couldn't
21 speak for -- where were those guys from? Area
22 Five?

23 Q. Yeah, Area Five.

24 A. Area Five. I couldn't speak for

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1 Area Five.

2 Q. Okay. During your time at the cold
3 case --

4 A. My time in cold case?

5 Q. Yeah.

6 During your time in the cold case unit,
7 did you participate in what was referred to as
8 Police Operations?

9 A. Who?

10 Q. Police Operations.

11 MR. COYNE: Objection, form.

12 BY THE WITNESS:

13 A. I don't understand the question. I
14 don't understand what you're saying.

15 Police who?

16 BY MR. STARR:

17 Q. Oh, you're not familiar with the
18 Chicago Police Department term "Operations"?

19 A. Police Operations? Like -- I mean, I'm
20 missing something. Everything you are doing is
21 a police operation, right?

22 Q. Well, I'm talking about with the
23 capital letter O, "Operations" --

24 A. Yeah.

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1 Q. -- like a -- a unit within the police
2 department that investigated specific things
3 that was referred to as Operations.

4 Are you familiar with that?

5 A. Police Operations, I don't recall that
6 unit or that phrase.

7 Q. Okay. If I told you that my
8 understanding of Operations were a joint task
9 force that operated between the police
10 department -- Chicago Police Department and
11 other law enforcement agencies, does that
12 refresh your recollection of what an Operation
13 is?

14 A. There --

15 MS. MORRISON: I'm going to object to the
16 form of the question.

17 You can answer if you understand it.

18 BY THE WITNESS:

19 A. There were -- there were always --
20 what's the term they like to use -- task forces
21 out there: FBI, violent crimes task force; FBI
22 joint terrorist task force; ATF. I was detailed
23 to them, but I don't know -- they had a specific
24 name, organized crime and drug enforcement task

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1 force. I -- FBI, DEA -- FBI, DEA, and ATF were
2 the ones that were coppers -- a lot of coppers
3 assigned to, and Secret Service, I believe.

4 BY MR. STARR:

5 **Q. And did you --**

6 A. But I -- I never heard the term you're
7 referencing.

8 **Q. And as you -- did you as a member of**
9 **the cold case unit ever work in conjunction with**
10 **a joint task force?**

11 A. Joint terrorism task force or which --

12 **Q. Any sort of joint task force.**

13 A. Any what?

14 **Q. Any sort.**

15 A. No. I don't believe anybody would. I
16 would prior, but --

17 **Q. But not during the cold case period?**

18 A. No. In the cold case squad, that was
19 your focus, cold cases, or if something else
20 popped up that the chief would assign you to or
21 a superintendent would.

22 **Q. Did the cold case unit ever work in**
23 **conjunction with the State's Attorney's Office**
24 **when you were at the police department?**

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1 MS. MORRISON: I'm just going to object to
2 form and object to this line of questioning.
3 He's not here as a 30(b)(6) witness on behalf of
4 the City. He is here in his role as the
5 investigator with the State's Attorney.

6 So I'll just note that objection.

7 BY THE WITNESS:

8 A. Okay. What's the question again?

9 BY MR. STARR:

10 Q. Did -- during your time on the cold
11 case unit, did you ever work in conjunction with
12 the State's Attorney's Office?

13 A. Yeah. You had to.

14 Q. How come?

15 A. How what?

16 Q. How come?

17 A. That's where you go to get cases
18 approved.

19 Q. Okay. So other than -- other than the
20 normal typical investigation of a homicide where
21 you would potentially refer someone for charges
22 to the State's Attorney, did you work in
23 conjunction with the State's Attorney's Office?

24 A. Oh, yeah. We'd seek their assistance

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1 in stuff, yeah.

2 **Q. In what fashion?**

3 A. In what fashion?

4 **Q. Yeah. In what ways would you seek**
5 **their assistance?**

6 MR. COYNE: Objection, foundation.

7 Go ahead.

8 THE WITNESS: Say it again.

9 MR. COYNE: I'd just object to foundation.

10 You can go ahead.

11 BY THE WITNESS:

12 A. They -- they had a group up there that
13 worked cold cases of State's Attorneys that were
14 focused on that. They were doing their own in-
15 house investigations. And on occasion, we would
16 go to them seeking advice, to get search
17 warrants, kick -- kick cases around, and figure
18 out a way to approach them.

19 BY MR. STARR:

20 **Q. And then when you were at the State's**
21 **Attorney's Office, did you work on cold cases**
22 **there?**

23 A. No. I don't remember any work
24 specifically. I may have helped with something,

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1 go find a witness, but, I mean, I don't remember
2 working a case. They had guys assigned to that
3 and I was not assigned to that, but I may have.
4 I may have. I don't want to -- but I don't
5 recall.

6 **Q. Do you have any knowledge of the**
7 **State's Attorney's cold case division or unit**
8 **working in conjunction with the Chicago Police**
9 **Department on the Willie Sorrell homicide**
10 **investigation?**

11 A. No, no independent knowledge at all.
12 No recollection at all.

13 **Q. Okay. I'm going to go back to look at**
14 **this first exhibit, Exhibit 1, your**
15 **investigative report that Ms. West showed you.**

16 A. Okay.

17 (Witness viewing document.)

18 BY MR. STARR:

19 **Q. This investigative report, as we have**
20 **established, is dated March 5th, 2015, correct?**

21 A. Yes.

22 **Q. And that would have been 25 years after**
23 **the Willie Sorrell homicide, right?**

24 A. Whatever it was, yeah. That's close.

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1 **Q. Almost 25 years.**

2 A. '90, yeah.

3 **Q. Yeah.**

4 A. I think it was '90.

5 **Q. Yeah. The homicide was in December of**
6 **1990.**

7 **So it was almost 25 years, correct?**

8 A. Yeah.

9 **Q. Did you have any concerns about**
10 **Ms. Friend's recollection based on the span --**
11 **the passage of time?**

12 MR. COYNE: Objection, form.

13 MR. HOLMES: On behalf of the State's
14 Attorney's Office, I instruct the witness not to
15 answer on the ground of deliberative process
16 privilege.

17 BY THE WITNESS:

18 A. I'm not going to answer.

19 BY MR. STARR:

20 **Q. Okay. You are going to refuse to**
21 **answer my question based on that instruction?**

22 A. Yeah.

23 **Q. Okay.**

24 A. Based on their instructions.

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1 **Q. Did you -- go ahead.**

2 A. Based on their instructions.

3 **Q. Okay. Did you ask Ms. Friend if she --**
4 **if she could recall what Mr. Fletcher looked**
5 **like when you interviewed her in 2015?**

6 A. No.

7 **Q. Okay.**

8 A. I don't specifically remember that or
9 it would be in the report.

10 **Q. Is there a reason why you didn't ask**
11 **Ms. Friend if she could remember what**
12 **Mr. Fletcher looked like in --**

13 A. If she has an --

14 THE COURT REPORTER: Sorry. If you could
15 repeat the question.

16 BY MR. STARR:

17 **Q. Was there a reason why you wouldn't**
18 **have asked Ms. Friend if she could remember what**
19 **Mr. Fletcher looked like when you interviewed**
20 **her in 2015?**

21 MR. HOLMES: On behalf of the State's
22 Attorney's Office, I instruct the witness not to
23 answer on the ground of the deliberative process
24 privilege.

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1 BY THE WITNESS:

2 A. I will follow the attorney's advice.

3 BY MR. STARR:

4 Q. Do you have any independent
5 recollection of thinking that Ms. Friend was not
6 able to identify Mr. Fletcher 25 years later?

7 MR. HOLMES: On behalf of the State's
8 Attorney's Office, I instruct the witness not to
9 answer on the ground of the deliberative process
10 privilege.

11 BY THE WITNESS:

12 A. I will follow the advice.

13 BY MR. STARR:

14 Q. And you're refusing to answer my
15 questions?

16 A. Yes, sir.

17 Q. Okay. This "Evidence and Inventory"
18 section of the report here --

19 A. Yes, sir.

20 Q. -- it references a State's Attorney's
21 Office evidence vault.

22 Do you see that?

23 A. Yes, sir.

24 Q. What's a State's Attorney evidence

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1 **vault?**

2 A. An evidence vault.

3 **Q. Well, is it a physical vault?**

4 A. Yeah.

5 **Q. Okay.**

6 A. Okay.

7 **Q. Is it a filing cabinet or is it a --**

8 A. No, no. It's a vault, vault.

9 **Q. That has, like, a lock on it?**

10 A. Well, it's a whole room, and it's
11 locked and everything inside is locked.

12 **Q. Okay. And if you had submitted any**
13 **contemporaneous notes that you took during this**
14 **investigation, would they be in that vault as**
15 **well?**

16 A. No.

17 **Q. Because you are certain you destroyed**
18 **them?**

19 A. Yes.

20 **Q. And why are you certain you destroyed**
21 **them?**

22 A. That is my practice, and there'd be no
23 reason to keep them.

24 **Q. And correct me if I'm wrong. I thought**

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1 **you said that sometimes you would submit them if**
2 **you --**

3 A. I suppose you could, but I -- there
4 would be no reason for me to, and I never did.

5 **Q. So can you say unequivocally in this**
6 **case that you did not --**

7 A. Did I?

8 **Q. -- submit any notes?**

9 A. Did I not --

10 **Q. Are you --**

11 A. -- submit any notes?

12 **Q. Are you able to say with certainty that**
13 **in the --**

14 A. The best of my recollection, I did not
15 submit any notes --

16 **Q. Okay.**

17 A. -- at all, zero, zip, nada.

18 **Q. But you can't say for sure whether you**
19 **did or not, because you don't recall, correct?**

20 MR. COYNE: I'll note an objection. That's
21 argumentative. Also, asked and answered.

22 Go ahead.

23 BY THE WITNESS:

24 A. It was not my practice. I don't think

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1 I did. There would be no reason for me to do
2 that.

3 BY MR. STARR:

4 Q. Do you recall whether or not your
5 supervisor requested that you submit your notes
6 in this case?

7 A. No.

8 Q. Do you have any specific recollection
9 that they didn't ask for the notes?

10 A. Back then, I don't remember ever
11 turning my notes in, I don't think.

12 Q. And we -- and you were asked by
13 Ms. West about how you were assigned to this
14 case in December of 2014, right?

15 A. Yeah, 10 -- yeah. That's what it looks
16 like, right.

17 Q. Do you recall being assigned to this
18 case in December of --

19 A. I recall being assigned. I couldn't
20 tell you --

21 Q. -- 2014?

22 A. Now I know the --

23 THE COURT REPORTER: Sorry. If you could
24 repeat your answer.

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1 BY THE WITNESS:

2 A. I recall being assigned to the case and
3 I recall the date, because that's on the report,
4 the exact date, yeah.

5 BY MR. STARR:

6 Q. And do you recall -- strike that.

7 Is that -- strike that.

8 I think you were asked by Ms. West
9 about whether or not you went out to visit
10 Ms. Friend on more than one occasion.

11 Do you recall those questions?

12 A. I believe so, yeah.

13 Q. Is it possible that you went out to her
14 house on more than one occasion to --

15 A. Looking for her?

16 MR. COYNE: Objection, foundation,
17 speculation.

18 BY MR. STARR:

19 Q. Yes.

20 MR. HOLMES: And what was the end of that
21 question? You kind of talked over it with
22 crosstalk.

23 MR. STARR: Yeah.

24 BY MR. STARR:

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1 **Q. I asked if it was possible you went out**
2 **to visit Ms. West -- or Ms. Field -- or**
3 **Ms. Friend. There's a lot of names.**

4 **Is it possible that you went out to**
5 **visit Ms. Friend on more than one occasion**
6 **before getting -- taking this interview?**

7 MR. COYNE: Okay. Objection, form,
8 foundation, speculation.

9 BY THE WITNESS:

10 A. It's -- it's possible I went out on
11 more than one occasion looking for her, but I
12 did not find her until the date in question.

13 BY MR. STARR:

14 **Q. And if you did go out to visit her on**
15 **more than one occasion before March 5th, 2015,**
16 **you don't know whether or not she was actually**
17 **home when you visited her house, correct?**

18 MR. COYNE: Objection, foundation,
19 speculation.

20 MS. WEST: Join.

21 BY THE WITNESS:

22 A. I guess I -- I don't know how to answer
23 that. I guess she would -- well, if I went
24 out -- a big if, okay -- I did not find her.

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1 BY MR. STARR:

2 Q. So you could have went to her house,
3 rang her doorbell, and she could have just
4 refused to answer the door, right?

5 MR. COYNE: Same objections.

6 BY THE WITNESS:

7 A. Entirely possible, sir.

8 BY MR. STARR:

9 Q. Is it also entirely possible that she
10 agreed to sign the affidavit that you presented
11 to her the way that she did because she was
12 tired of you coming to her house and knocking on
13 her door?

14 MR. COYNE: Objection, foundation,
15 speculation.

16 MS. WEST: Join.

17 MS. MORRISON: Argumentative.

18 BY THE WITNESS:

19 A. I would suggest that would be
20 inaccurate, because I don't -- what's the word
21 I'm looking for? I got X amount of time to do
22 something, and I go out, and I go to the
23 different addresses. She may have had other
24 addresses for her, too. But I don't know if I

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1 went out one time and stumbled on her or if I
2 went out 20 times.

3 BY MR. STARR:

4 **Q. But I think you testified that it would**
5 **have been your practice to go out as soon as you**
6 **got this assignment, right?**

7 A. As what?

8 **Q. I thought you testified when Ms. West**
9 **was asking questions that it would have been**
10 **your practice to go out once you got the**
11 **assignment.**

12 MS. WEST: Misstates his prior testimony.

13 MR. COYNE: Yeah, I agree. I join on that.
14 I don't think that was his testimony.

15 But go ahead.

16 BY THE WITNESS:

17 A. Well, of course you go out. How else
18 are you going to find a person?

19 BY MR. STARR:

20 **Q. All right. So it was your practice,**
21 **then, when you were initially assigned a case**
22 **that you would start investigating it right**
23 **away, right?**

24 MR. COYNE: Objection, form. That also

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1 mischaracterizes his prior testimony.

2 MS. WEST: Join.

3 BY THE WITNESS:

4 A. No, sir. I don't believe I testified
5 to that. I would go out as soon as possible. I
6 might get assigned a case and not get around to
7 going out for a week, two weeks. I mean, I
8 don't know. It would depend on what's going on
9 in the office at that time.

10 BY MR. STARR:

11 **Q. That last question wasn't about your**
12 **testimony. It was just a question. So let me**
13 **ask it again to make sure it's clear on the**
14 **record.**

15 **Was it your practice once you were**
16 **assigned a case to investigate it as soon as**
17 **possible?**

18 MR. COYNE: Objection, foundation.

19 BY THE WITNESS:

20 A. Yes.

21 BY MR. STARR:

22 **Q. Okay. And was it your practice once**
23 **you were assigned a case to go out and try to**
24 **interview somebody that you were assigned to**

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1 **interview as soon as possible?**

2 MR. COYNE: Same objection, foundation.

3 BY THE WITNESS:

4 A. As soon as possible.

5 BY MR. STARR:

6 **Q. And sometimes there would be a couple**
7 **weeks that -- delay?**

8 A. Yes.

9 **Q. Right?**

10 A. Correct. That could be.

11 **Q. How often would there be a three-month**
12 **delay?**

13 MR. COYNE: Objection, foundation.

14 BY THE WITNESS:

15 A. Pretty routine -- routinely. It would
16 be --

17 BY MR. STARR:

18 **Q. Routinely?**

19 A. Before you could find somebody, yeah.

20 **Q. Okay. But you don't know in this case**
21 **whether or not you went out to try to interview**
22 **her on multiple occasions before March of 2015,**
23 **correct?**

24 MR. COYNE: Objection, asked and answered.

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1 MS. WEST: Asked and answered.

2 MR. COYNE: Actually, it's repeatedly been
3 asked and answered.

4 BY THE WITNESS:

5 A. I don't know if I went out there once
6 and found her that day. I don't know if I went
7 to other locations.

8 BY MR. STARR:

9 Q. And Ms. Friend -- your testimony is
10 that Ms. Friend told you that she signed the
11 affidavits that she did because she was being
12 repeatedly bothered by Mr. Fletcher's --

13 A. The --

14 Q. -- associates?

15 MR. COYNE: Wait a minute. Wait a minute.
16 Hang on. Hang on. Hang on. Let me object.

17 THE WITNESS: Okay.

18 MR. COYNE: Objection, asked and answered
19 repeatedly. Just so you know, Sean, we're going
20 over the same area here over and over again just
21 so it's clear for the record.

22 Go ahead.

23 MS. WEST: Join.

24 BY THE WITNESS:

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1 A. Okay. Say it again.

2 BY MR. STARR:

3 **Q. So is it your testimony today that**
4 **Ms. Friend informed you in some form that the**
5 **reason she signed the affidavits that she signed**
6 **attesting to the truth of the matter was because**
7 **she was being bothered by Mr. Fletcher's**
8 **associates?**

9 MR. COYNE: Same objections.

10 Go ahead.

11 THE WITNESS: Everybody done?

12 MR. COYNE: Go ahead.

13 BY THE WITNESS:

14 A. Yeah, that's correct.

15 BY MR. STARR:

16 **Q. And isn't it also possible that she**
17 **gave you what you wanted because she was being**
18 **bothered by you or people at the State's**
19 **Attorney's Office?**

20 MR. COYNE: Objection, form, foundation. It
21 requires speculation and it's also
22 argumentative.

23 MS. WEST: Join.

24 MR. COYNE: Go ahead.

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1 MR. HOLMES: On behalf of the State's
2 Attorney's Office, I instruct the witness not to
3 answer on the ground of deliberative process
4 privilege.

5 BY MR. STARR:

6 Q. Are you going to refuse to answer my
7 question based on the instruction of the State's
8 Attorney's Office?

9 A. Yeah. I will refuse to answer the
10 question. I would like to answer the question,
11 but I won't.

12 Q. Do you recall whether or not you called
13 Ms. Friend on the phone at any point prior to
14 visiting your home on March 5, 2015?

15 A. No, I do not.

16 Q. Did Ms. Friend ever tell you that she
17 dated Edward Cooper, the victim, the bread truck
18 driver, in the Sorrell homicide case?

19 A. Dated him? No.

20 Q. Yeah.

21 A. I think she said she knew him.

22 Q. Okay. She never told you that they
23 dated?

24 A. I don't recall that, no.

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1 **Q. When Ms. Friend allegedly told you that**
2 **she told the detectives about people telling her**
3 **not to come to court and giving her money, did**
4 **she tell you what detectives?**

5 A. No. She just said the detectives.

6 **Q. No?**

7 A. She didn't know detectives' names. She
8 didn't even remember what they looked like.

9 **Q. When she told you that she told the**
10 **State's Attorney about people telling her not to**
11 **come to court and allegedly giving her money not**
12 **to appear in court, did she tell you what**
13 **State's Attorney that was?**

14 A. No, sir.

15 **Q. Did you ask her?**

16 A. I -- no, I don't think so.

17 **Q. Did you ask her what detectives she**
18 **told?**

19 A. Based on the general conversation, I
20 didn't, because she couldn't even describe --
21 really describe the detectives in any detail,
22 just that they were the standard old white guys.

23 **Q. At the bottom of the second page, 425,**
24 **the last paragraph there --**

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1 A. You're -- page 2.

2 Q. Yeah, page 2.

3 A. Yeah, okay.

4 Q. The second -- third sentence in that
5 paragraph says, "The woman also said Fletcher
6 did not do the murder."

7 Do you see that?

8 A. In what paragraph again?

9 Q. The final, the last paragraph on the
10 page.

11 A. Okay.

12 Q. The third -- third sentence.

13 A. Where are we? Oh, okay.

14 Q. Do you see where it says, "The woman
15 also said Fletcher did not do the murder"?

16 A. Yeah.

17 Q. Do you recall Ms. Friend telling you
18 that?

19 A. Yeah.

20 Q. Do you have any independent
21 recollection?

22 A. Yes.

23 Q. Okay. Do you have any independent
24 recollection of asking any follow-up questions

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1 **about that statement?**

2 A. About the -- she said that -- I think
3 she said it twice, a couple times. That was
4 the -- the woman who was coming to her was the
5 daughter.

6 **Q. Yeah. My question is, did you --**

7 A. Did I do any --

8 **Q. Did you ask any --**

9 A. -- follow-up on it?

10 **Q. -- follow-up questions?**

11 THE COURT REPORTER: Sorry?

12 BY THE WITNESS:

13 A. No, I did not.

14 BY MR. STARR:

15 **Q. And why not?**

16 A. This was what she said. I'm done with
17 this as far -- until the State's Attorney -- as
18 far as I was concerned, until the State's
19 Attorney has another idea or game plan.

20 **Q. But you asked questions to prompt much**
21 **of this information, correct?**

22 A. She pretty much rolled with it.

23 **Q. So you showed up at her house, and what**
24 **questions did you ask her?**

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1 A. Identified ourselves --

2 MR. COYNE: Objection.

3 THE COURT REPORTER: Sorry?

4 MR. COYNE: Objection. Hang on. Before he
5 answers, objection, asked and answered. Once
6 again, we are going over material that this
7 witness has already testified to previously in
8 this deposition.

9 MR. STARR: Except for this testimony is
10 different. So I'm making sure I -- we have it
11 clear.

12 MR. COYNE: Go ahead.

13 THE WITNESS: Okay.

14 BY MR. STARR:

15 **Q. So you're telling me now that when you**
16 **showed up at Ms. Friend's house, she basically**
17 **told you all this information without you asking**
18 **questions?**

19 MR. COYNE: Objection, mischaracterizes his
20 testimony.

21 MS. WEST: Join.

22 BY THE WITNESS:

23 A. Not -- not basically without asking
24 questions. She had to know why I was there.

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1 So, yeah, we identified ourselves, told her we
2 were here about the affidavits in her name. We
3 showed her the affidavits, "Take a look at
4 them," and that's standard procedure and
5 standard practice. And "We would like to ask
6 you some questions about it."

7 And she started talking and
8 volunteering a lot of stuff. Now, I could go
9 over it with you each page -- sentence, but I
10 think we already did that. She is the one --
11 she volunteered. I didn't ask her if anyone
12 gave her money. She told -- she volunteered
13 that she was finding -- that this was what was
14 happening.

15 BY MR. STARR:

16 **Q. Are the questions that are represented**
17 **in this report the only questions that you asked**
18 **her? And, for instance, I will direct you to**
19 **the one that you were already asked about by**
20 **Ms. West, which is the third full paragraph on**
21 **page 2. It says --**

22 A. Page --

23 **Q. Page 2.**

24 A. I will go back there. Hang on.

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1 Page 2. What paragraph?

2 **Q. Third paragraph.**

3 A. RI asked Friend if she knows Fletcher
4 before -- if she knew Fletcher before the
5 murder, and she said she did not.

6 MR. COYNE: Actually, it's plural, "R/Is"
7 plural, just for the record.

8 MR. STARR: Thanks.

9 BY MR. STARR:

10 **Q. That's an example of a question that**
11 **you asked, correct?**

12 A. Correct.

13 **Q. And then there is a few other examples**
14 **in this document. So there is one in the**
15 **paragraph prior to that.**

16 Do you see that? It says, "R/Is asked
17 Friend how she knew" --

18 A. Yep.

19 **Q. Okay. Are all the questions that you**
20 **asked about --**

21 A. That -- that -- that --

22 **Q. -- this case represented in this?**

23 A. That was a question I asked her, yes.

24 **Q. So are all the questions that you asked**

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1 **Ms. Friend about the Willie Sorrell homicide,**
2 **are they represented in this document?**

3 A. That's correct.

4 **Q. Oh, so you didn't ask any other**
5 **questions besides what's represented in this**
6 **report?**

7 A. No. I can't think -- yeah. No. I
8 did. I asked her if she wanted to talk to us,
9 and she said yes. Yeah.

10 **Q. Besides the perfunctory --**

11 A. Yeah. I think that's in there, too,
12 right? I will bet it is. Yep. Friend agreed,
13 yeah. Told her -- again, told her who we were,
14 and then we just went into the conversation.

15 **Q. So there is -- you have no independent**
16 **recollection of any other questions you asked**
17 **besides what's represented in this report,**
18 **correct?**

19 A. That's correct. Yes, sir.

20 **Q. I want to take a look at -- oh, let me**
21 **ask you one question: So if you were assigned**
22 **to this case in December of 2014, why were you**
23 **sending e-mails in October of 2014 about Terry**
24 **Rogers?**

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1 A. It could have been a lookup for
2 something. Like I told you, sometimes it was
3 just you look up, and, you know, we get three or
4 four to look up. They're going to -- they're
5 diving into a case to do something.

6 **Q. But this is more --**

7 A. You --

8 **Q. I'm sorry.**

9 **This is more than a lookup, though,**
10 **right? Because you're indicating here that you**
11 **might have to go down to Mississippi.**

12 A. We may have to, yeah.

13 **Q. So is it --**

14 A. Depending on what they tend to say. To
15 go out and actually interview her, this date of
16 the 10th of -- the 10th of December, that
17 represents the date that they decided to go
18 out -- for us to go out and interview her.
19 Prior to that, they must have been -- not must
20 have been.

21 They were looking at the case. As I
22 told you when you were asking how things go,
23 they may give you four or five lookups. You
24 look them up, and you never hear another thing.

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1 You're doing a lookup and find this out, find
2 that out, and you take it from there.

3 **Q. So it's possible you were assigned to**
4 **this case in October of 2014 as opposed to --**

5 A. To do a lookup --

6 MR. COYNE: Objection. Hang on.

7 BY THE WITNESS:

8 A. Yeah.

9 MR. COYNE: Objection. Objection,
10 foundation.

11 First, also let me tell you, Dan, you
12 began your answer to the last question "it could
13 have been." I would urge you to remind yourself
14 of the oath that you took in this case to tell
15 the truth, the whole truth, and nothing but the
16 truth and not to speculate or guess in response
17 to these questions. That's my advice as your
18 lawyer.

19 THE WITNESS: Yes, sir.

20 Go ahead.

21 MR. STARR: And I think he answered my
22 question.

23 BY MR. STARR:

24 **Q. So my next question is, do you have a**

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1 **recollection of who the other person's name is**
2 **that's redacted on this document?**

3 MR. HOLMES: I think that you're correct,
4 Mr. Starr. He can answer yes/no, but for
5 anything further, there has been a privilege log
6 produced by the State's Attorney's Office in
7 conjunction with the document production in this
8 case which traveled separately from this
9 deposition.

10 So the witness is not going to be able
11 to answer questions about the content of the
12 e-mails that are redacted for the simple reason
13 that there was a subpoena duces tecum issued to
14 our office. A response was given to that
15 subpoena duces tecum, and the witness is not
16 here to answer questions about the subpoena
17 duces tecum response.

18 MR. COYNE: And so, Dan, just so you know, do
19 not disclose any information that you may know,
20 but that is redacted on these documents.

21 THE WITNESS: Okay.

22 MR. COYNE: I think at this point it's a yes
23 or no question.

24 BY MR. STARR:

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1 **Q. Yeah.**

2 **Do you recall who the other name is**
3 **that's redacted at the top of the e-mail there?**

4 MR. COYNE: You can answer if you know or
5 not, but don't disclose the name in the event
6 that you do know.

7 BY THE WITNESS:

8 A. No. I don't recall, no.

9 BY MR. STARR:

10 **Q. Do you -- does the name Fletcher**
11 **Clinton ring any bells to you?**

12 A. Who?

13 **Q. Fletcher Clinton?**

14 A. Fletcher --

15 **Q. First name, Fletcher; last name,**
16 **Clinton?**

17 A. As in Bill Clinton, the president?

18 **Q. Yeah.**

19 A. The former president?

20 **Q. Does that name --**

21 A. No, sir.

22 **Q. -- seem familiar to you at all?**

23 A. No. It does not ring a bell right now.

24 **Q. Let's take a look at Exhibit 2, the**

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1 **affidavits, briefly.**

2 A. Pardon?

3 MR. COYNE: Exhibit 2.

4 MR. STARR: Exhibit 2.

5 MR. COYNE: It's the 2011 affidavit.

6 THE WITNESS: Got it.

7 BY MR. STARR:

8 **Q. In the first page here, 419, page 1**
9 **of 4, this handwritten note that says, "I only**
10 **signed because Fletcher lawyer would not leave**
11 **me alone" --**

12 A. Hang on. What am I looking at?

13 **Q. The bottom of the first page.**

14 MS. WEST: You are on the wrong one.

15 THE WITNESS: Oh, yeah.

16 MR. COYNE: It's this one here. It's this
17 one.

18 THE WITNESS: Yeah. Down here.

19 MR. COYNE: 419.

20 THE WITNESS: This one?

21 MR. COYNE: 419.

22 THE WITNESS: I'm in the wrong one.

23 MR. COYNE: No. It's People versus -- that
24 one.

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1 THE WITNESS: Okay.

2 MR. COYNE: That's the one.

3 THE WITNESS: Yep.

4 BY MR. STARR:

5 Q. The handwritten note at the bottom that
6 says it?

7 A. Yep.

8 Q. Okay. Did Ms. Friend tell you how many
9 times Fletcher's -- I'm sorry. Strike that.

10 Did Ms. Friend tell you how many times
11 Mr. Fletcher's attorney or lawyer bothered her?

12 A. No, she did not.

13 Q. Okay. And I think you said the quote
14 was "leave me the fuck alone," right?

15 A. Yeah. That's what she said to me.
16 That's why it's a quote.

17 Q. Okay. So she -- she wrote something
18 different than what she said to you, but
19 omitting the word "fuck," right?

20 A. Yeah.

21 Q. Okay. And do you see this name right
22 here, Susan Swanson?

23 A. Where are we at now?

24 Q. On the top of the first page.

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1 MR. COYNE: Under declaration. Right there.

2 THE WITNESS: Oh, okay.

3 BY MR. STARR:

4 Q. Did Ms. Friend ever say anything to you
5 about anyone by the name of Susan Swanson?

6 A. No, she did not.

7 Q. Did you ask her if Susan Swanson --

8 A. No.

9 THE COURT REPORTER: Sorry?

10 THE WITNESS: Excuse me.

11 MR. COYNE: Just let him finish.

12 BY MR. STARR:

13 Q. Let me finish my question, yeah.

14 Did you ask her if Susan Swanson was
15 Mr. Fletcher's attorney that she was referring
16 to?

17 A. No, I did not.

18 Q. Is there any reason why you wouldn't
19 have asked that question?

20 MR. HOLMES: On behalf of the State's
21 Attorney's Office, I instruct the witness not to
22 answer on the ground of the deliberative process
23 privilege.

24 BY MR. STARR:

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1 **Q. Are you going to take that**
2 **instruction --**

3 A. Yes.

4 **Q. -- and refuse to answer my question?**

5 A. Take the instructions.

6 **Q. Did you know who Mr. Fletcher's**
7 **attorney was when you went out to investigate**
8 **Ms. Friend?**

9 A. No, sir.

10 **Q. If I told you it was Ms. Blagg, would**
11 **that surprise you?**

12 MR. COYNE: Objection, form, as to surprise.

13 BY THE WITNESS:

14 A. I don't know who the attorney was at
15 that time.

16 BY MR. STARR:

17 **Q. On the second page here in this first**
18 **full paragraph where it starts, "The police then**
19 **pointed at a photo..."**

20 A. Which one? Yeah. Same one?

21 **Q. Second page --**

22 MR. COYNE: Right here.

23 THE WITNESS: Of this document? Okay.

24 BY MR. STARR:

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1 **Q. Do you see this second full paragraph**
2 **here? You see the second full paragraph, right?**

3 A. Yes, sir.

4 **Q. You were asked questions by Ms. West**
5 **about it, correct?**

6 A. Okay.

7 **Q. And you indicated that there was an F**
8 **that is next to this paragraph that connotates**
9 **that the entire -- that the paragraph is false;**
10 **is that right?**

11 A. That's what the F -- right.

12 **Q. Does the F mean that every single fact**
13 **in this paragraph is false or just some of the**
14 **facts?**

15 A. The whole thing is false including --
16 after she read it and made her corrections down
17 at the bottom.

18 **Q. So the corrections are false as well?**

19 A. Pardon?

20 **Q. The corrections are false as well?**

21 A. No. The whole paragraph was false --
22 excuse me. I said that ass backwards. The
23 whole paragraph was false, and then she made
24 those corrections on the bottom of what she says

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1 happened.

2 Q. Okay. And this part at the bottom here
3 that says -- "pointed out to me," is that -- is
4 that an underline or is that a cross-out in your
5 opinion?

6 A. Say it again.

7 Q. This part right here.

8 A. "Pointed out to me."

9 Q. Yeah. Is that underlined or crossed
10 out?

11 A. That was crossed out.

12 Q. Okay.

13 A. I remember that.

14 Q. The same question about this bottom
15 paragraph is, where it says "police pointed out
16 to me," is that crossed out or underlined?

17 A. That's crossed out.

18 Q. Okay.

19 A. Because she made -- she made her
20 notation right above that if you look at it.

21 Q. And did you tell Ms. Friend that that
22 was the information that you were asked -- you
23 were specifically sent to ask about?

24 MR. HOLMES: Objection, foundation. Asked by

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1 who as to what?

2 BY MR. STARR:

3 Q. Did you tell Ms. Friend that you were
4 specifically sent to interview her to find out
5 whether or not the police had instructed her on
6 who to pick?

7 A. Okay. Answer?

8 MR. HOLMES: Can Madam Court Reporter read
9 the last question?

10 BY MR. STARR:

11 Q. I can ask it again.

12 Did you tell Ms. Friend that you were
13 specifically there to interview her to find out
14 whether or not the police had instructed her who
15 to select?

16 A. No, I did not.

17 Q. Did you tell Ms. Friend anything about
18 why you were specifically there?

19 A. Yeah. I told you that. To ask her
20 about the -- when we came in the door, "We are
21 here to ask you about these two affidavits and
22 the shooting."

23 Q. Beyond that, did you tell her that you
24 were there to ask her any specific -- find out

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1 **any other specific things? Beyond telling**

2 **Ms. Friend --**

3 A. Specific things like what?

4 **Q. I don't know. I don't know.**

5 A. This is what -- no. This is what the
6 mission was, to go out and interview her
7 regarding the affidavits in her name --

8 **Q. Right.**

9 A. -- surrounding the shooting of the poor
10 guy that caught the bullet --

11 **Q. And you told --**

12 A. -- Willie Sorrell.

13 **Q. You told Ms. Friend that was your**
14 **mission?**

15 A. That's what we are here for, yes.

16 **Q. Okay.**

17 A. I suppose "mission" is not the right
18 word. It wasn't a commando raid.

19 **Q. I want to take a look at the next**
20 **affidavit.**

21 MR. COYNE: Exhibit 3?

22 MR. STARR: Yeah.

23 MR. COYNE: That's Exhibit 3,
24 Bates stamp 423. Yeah, yeah, you got it.

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1 BY MR. STARR:

2 Q. Do you remember which affidavit you
3 went over with her first?

4 A. That's a good question. I don't want
5 to speculate.

6 Q. So you don't have an independent
7 recollection of which one you went over first,
8 correct?

9 A. I could guess, but it would be a guess
10 and I would -- wouldn't want to do that.

11 Q. So just so the record is clear, you
12 don't have an independent recollection of which
13 one you went over with her first, right?

14 A. No.

15 Q. Okay. Look at number 4. Paragraph 4.
16 Do you see that it appears that there
17 is something that was written there that was
18 written over?

19 A. Where at, sir? On paragraph 4.

20 Q. Paragraph 4 where it says -- you
21 testified it said F. SF. I'm just wondering if
22 you know what was written there before F. SF was
23 written there.

24 A. There is an F -- a larger capital F and

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1 then her initials, SF.

2 Q. Yeah. Do you see the lines that are
3 not part of the F or the S or the other F?

4 MR. COYNE: Objection as to form on that.

5 BY THE WITNESS:

6 A. I'm not following.

7 BY MR. STARR:

8 Q. Let me ask you this: Looking at this
9 notation that Ms. Friend made here, F. SF on
10 number 4 --

11 A. Yeah.

12 Q. -- does it appear to you that she wrote
13 over something that was already written on the
14 page?

15 MS. MORRISON: Object to form.

16 BY THE WITNESS:

17 A. It doesn't look like it to me.

18 BY MR. STARR:

19 Q. Okay.

20 A. She doesn't have the best handwriting.

21 Q. Let me ask about number 5.

22 Do you know why Ms. Friend did not
23 indicate with an F or a T paragraph number 5?

24 A. Paragraph 5. Okay. What about

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1 paragraph 5?

2 Q. Do you know why Ms. Friend did not
3 indicate a letter F or a letter T for paragraph
4 number 5?

5 A. All the way down to five. Okay.

6 She did not put an F there, and I don't
7 know why, but she did make the notation right
8 there about that paragraph.

9 Q. Right. She wrote, I remember some
10 arguing, but the office -- the office [sic]
11 didn't tell who to pick out, right?

12 A. Yep.

13 Q. So you can't tell as you look at this
14 today what information in paragraph 5 is true --
15 strike that.

16 Can you tell as you sit here today what
17 information in paragraph 5 Ms. Friend told you
18 was true and what information Ms. Friend told
19 you is false?

20 A. I would say it would be the sentence --

21 Q. And I'm not asking you to speculate.
22 I'm asking if you know.

23 A. Okay. Give me your question again.

24 Q. Sure.

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1 **Do you have an independent recollection**
2 **of specifically what in paragraph number 5**
3 **Ms. Friend told you was false?**

4 A. Let me go over this again.

5 It's my take that no one told her who
6 to pick out.

7 **Q. So that's an interpretation.**

8 **I'm asking if you have an independent**
9 **recollection of that.**

10 A. Of her writing that?

11 **Q. Of her saying to you what was false and**
12 **what was true in paragraph 5.**

13 A. I don't --

14 **Q. And if you don't, you don't.**

15 A. I remember her writing, but that's --
16 that's my interpretation of what she is
17 referring to.

18 **Q. Sure.**

19 **I'm not -- and I'm trying now to**
20 **distinguish questions about your interpretation**
21 **from questions about what you remember.**

22 A. Okay.

23 **Q. Do you remember Ms. Friend saying**
24 **specifically this paragraph -- or strike that.**

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1 Do you remember Ms. Friend saying
2 specifically "This sentence is true in
3 paragraph 5" or "This sentence is false," or
4 anything along those lines? Since there is no
5 marker, we don't know. So I'm wondering if you
6 have an independent recollection.

7 A. No.

8 Q. Okay.

9 A. No. I don't as I sit here.

10 Q. Fair.

11 So let me ask you, you -- we
12 established the next FS is for the paragraph 6,
13 right, where there is an under- -- or a
14 lowercase F and the letters SF next to the
15 number 6. You previously testified about that,
16 right?

17 A. Yeah, okay. Go ahead.

18 Q. And then the next one is T. SF with an
19 arrow to 7.

20 You testified about that, right?

21 A. Okay. That's -- yeah. That arrow one
22 is for true.

23 Q. Number 7.

24 A. That that number 7 is true.

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1 **Q. And then the next one appears to be an**
2 **F. SF -- an F. SF, and is that attributed to**
3 **number 8?**

4 A. That would -- that would be number 8.

5 **Q. So then is there a -- there is a T. SF**
6 **at the end.**

7 **Is that for number 9, or what is that**
8 **for as far as you can recall?**

9 A. I -- as I sit here now, I -- I'm
10 getting a little confused with all this. I
11 apologize. I definitely --

12 THE COURT REPORTER: Sorry?

13 THE WITNESS: Oh, I'm thinking out loud.

14 THE COURT REPORTER: Okay.

15 THE WITNESS: Shame on me.

16 BY THE WITNESS:

17 A. I thinking number 9 is referring to
18 that is true, but that's my best guess.

19 BY MR. STARR:

20 **Q. Okay. Right. So there is nine --**
21 **there is nine paragraphs in here, and there is**
22 **eight markers where she indicates F or T with**
23 **her initials, right? We have established that?**

24 A. What are we going to establish?

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1 Q. I think we did establish that there is
2 nine paragraphs --

3 A. Okay.

4 Q. -- right? And there is eight markers
5 with T or S -- T or F, right? Number 5 is
6 missing one.

7 A. Yeah, okay.

8 Q. Okay. So it's your testimony that the
9 last T. SF is attributed to number 9, correct?

10 A. That's -- that's my interpretation of
11 this, yes, sir.

12 Q. Okay. And so Ms. Friend would have
13 told you that it was true that she wasn't
14 promised anything in return for -- for giving
15 this affidavit and that she was willing to
16 testify at an evidentiary hearing on
17 Mr. Fletcher's behalf, correct?

18 A. Correct.

19 Q. Okay. When she said that it was true
20 that she'd be willing to testify on his behalf,
21 did you ask her --

22 A. Did I --

23 Q. Let me finish my question.

24 When Ms. Friend indicated to you that

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1 **number 9 was true and that she was willing to**
2 **testify on Mr. Fletcher's behalf, did you say to**
3 **her, "Why are you going to testify on his**
4 **behalf?"**

5 MR. COYNE: Objection. Mischaracterizes his
6 testimony. He didn't testify that she told him
7 that. She [sic] testified that that's his
8 interpretation.

9 So go ahead.

10 MS. WEST: Join.

11 BY THE WITNESS:

12 A. I did not ask her.

13 BY MR. STARR:

14 **Q. Okay.**

15 A. Okay.

16 **Q. Do you --**

17 A. I don't know if I missed it or what. I
18 did not ask her.

19 **Q. Do you have an opinion about why**
20 **Ms. Friend would be willing to testify on**
21 **Mr. Fletcher's behalf?**

22 MR. HOLMES: On --

23 MR. COYNE: Objection, speculation.

24 MR. HOLMES: On behalf of the State's

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1 Attorney's Office, I instruct the witness not to
2 answer the question beyond the yes or no that
3 was sought by the plaintiff's counsel on the
4 ground of the deliberative process privilege.

5 BY THE WITNESS:

6 A. I will follow his advice.

7 BY MR. STARR:

8 **Q. And refuse to answer my question?**

9 A. Pardon?

10 **Q. You're going to refuse to answer my**
11 **question?**

12 A. Yeah.

13 **Q. Okay.**

14 A. Follow his advice.

15 **Q. Is it possible that Ms. Friend**
16 **indicated to you that she was still willing to**
17 **testify on Mr. Fletcher's behalf because she did**
18 **not witness Mr. Fletcher commit the Willie**
19 **Sorrell homicide?**

20 MR. COYNE: Objection, speculation.

21 MS. WEST: Join.

22 MS. MORRISON: Join.

23 BY THE WITNESS:

24 A. I don't believe that.

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1 BY MR. STARR:

2 Q. Why not?

3 A. Because of what she -- the overall
4 package of what she wrote and what she said.

5 Q. But you never asked her if she actually
6 witnessed Mr. Fletcher commit the homicide,
7 correct?

8 MS. WEST: Objection, form, argumentative.

9 BY THE WITNESS:

10 A. Go ahead. Say it again.

11 BY MR. STARR:

12 Q. But you never asked her whether or not
13 Mr. Fletcher committed the homicide.

14 So how would you know?

15 A. I -- I did not ask her specifically. I
16 asked her about this affidavit.

17 Q. Okay. So assuming that the affidavits
18 were sham affidavits --

19 A. Okay.

20 Q. -- it's also possible that Ms. Friend
21 did not see Mr. Fletcher commit the homicide,
22 correct?

23 MR. COYNE: Objection. It requires the
24 witness to speculate.

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1 MS. WEST: Join.

2 MS. MORRISON: Join.

3 BY THE WITNESS:

4 A. Again, I wouldn't know. I wasn't there
5 for the homicide. I'm only going by what
6 she said.

7 BY MR. STARR:

8 Q. Right. And you didn't ask her that
9 specific question about whether or not she had
10 any evidence that Mr. Fletcher was innocent or
11 guilty, correct?

12 MR. COYNE: Objection, asked and answered.

13 MR. STARR: Join.

14 MS. WEST: Join.

15 BY THE WITNESS:

16 A. Say that again.

17 BY MR. STARR:

18 Q. You didn't ask her whether she had any
19 evidence --

20 A. No. I did not ask.

21 Q. -- Mr. Fletcher was guilty or
22 innocent --

23 THE COURT REPORTER: Sorry? You're talking
24 at the same time.

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1 THE WITNESS: Say -- my bad.

2 MR. STARR: Yeah, yeah. Let me just try --

3 THE WITNESS: Say it again.

4 MR. STARR: Let's get it clear.

5 BY MR. STARR:

6 **Q. You didn't ask Ms. Friend if she had**
7 **any evidence whether or not Mr. Fletcher was**
8 **guilty or innocent, correct?**

9 MR. COYNE: Objection, asked and answered.

10 BY THE WITNESS:

11 A. I did not ask her that.

12 BY MR. STARR:

13 **Q. The only thing you asked her about is**
14 **whether or not the police had manipulated her,**
15 **right?**

16 MR. COYNE: Objection. That's --
17 mischaracterizes his testimony.

18 MS. WEST: Join.

19 MS. MORRISON: Join.

20 BY THE WITNESS:

21 A. Say it again.

22 BY MR. STARR:

23 **Q. The only thing you asked her about was**
24 **whether or not the police had manipulated her**

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1 **identification, correct?**

2 MR. COYNE: Same objection.

3 MS. WEST: And misstates prior testimony.

4 BY THE WITNESS:

5 A. I didn't say that to her.

6 BY MR. STARR:

7 **Q. No. I know. But that was your**
8 **mission, to find out whether or not the police**
9 **had manipulated her identification, correct?**

10 MR. COYNE: Objection. That's a different
11 question.

12 MS. MORRISON: Objection.

13 MS. WEST: Yeah.

14 MR. HOLMES: I object --

15 MR. COYNE: And it also misrepresents his
16 testimony.

17 MS. WEST: Join.

18 MS. MORRISON: Join.

19 MR. HOLMES: Join.

20 BY THE WITNESS:

21 A. My goal was to interview her about this
22 affidavit and find out what was accurate and
23 what wasn't. That was -- I don't want to say
24 mission again. That was my assignment, go

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1 interview about this affidavit and find out what
2 was going on --

3 BY MR. STARR:

4 **Q. It wasn't your --**

5 A. -- what was the truth.

6 **Q. It wasn't your mission to find out**
7 **whether or not she actually witnessed**
8 **Mr. Fletcher commit the crime, correct?**

9 MR. COYNE: Objection, asked and answered.

10 MS. WEST: Join.

11 BY THE WITNESS:

12 A. I don't -- I did not ask her that
13 specifically, and I have already told you that.
14 I went out there to ask her about the affidavit
15 in her name, if it was even her affidavit.
16 That's the first rule of thumb.

17 BY MR. STARR:

18 **Q. Did you care -- do you have any**
19 **independent recollection of caring whether or**
20 **not Mr. -- Ms. Friend actually witnessed**
21 **Mr. Fletcher commit the crime or not?**

22 MR. HOLMES: Objection.

23 MR. COYNE: Objection, form.

24 MR. HOLMES: Objection. On behalf of the

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1 State's Attorney's Office, I instruct the
2 witness not to answer on the ground of
3 deliberative process privilege.

4 BY THE WITNESS:

5 A. Ask the question for me again.

6 MR. COYNE: He just instructed you not to
7 answer the question.

8 THE WITNESS: But if he -- I'd like to -- I'd
9 like to hear what -- go ahead.

10 MR. COYNE: Go ahead.

11 BY MR. STARR:

12 **Q. So the question was, do you have any**
13 **independent recollection of caring at all**
14 **whether or not Ms. Friend actually witnessed**
15 **Mr. Fletcher commit the crime or not?**

16 MR. HOLMES: On behalf of the State's
17 Attorney's Office, I instruct the witness not to
18 answer on the ground of deliberative process
19 privilege.

20 MR. COYNE: And I'd just object on form.

21 BY THE WITNESS:

22 A. And I am going to follow their
23 advice -- his advice.

24 BY MR. STARR:

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1 **Q. And you're refusing to answer my**
2 **question?**

3 A. Yes.

4 **Q. In retrospect, do you wish you had**
5 **asked Ms. Friend, "Hey, did you actually see**
6 **Jimmie Fletcher commit the crime or not?**

7 MR. HOLMES: On behalf --

8 MR. COYNE: Objection, form, speculation,
9 foundation.

10 MR. HOLMES: On behalf of the State's
11 Attorney's Office, I instruct the witness not to
12 answer on the ground of the deliberative process
13 privilege.

14 BY MR. STARR:

15 **Q. Are you going to take that instruction**
16 **and not answer my --**

17 A. Yes. I'll take that --

18 **Q. -- question?**

19 THE COURT REPORTER: If you could wait.

20 MR. STARR: Did you get it all?

21 THE COURT REPORTER: Yes.

22 THE WITNESS: Okay.

23 BY MR. STARR:

24 **Q. Do you have any personal opinion about**

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1 **whether or not you should have asked Ms. Friend**
2 **back in 2015, "Hey, did you actually see Jimmie**
3 **Fletcher commit this crime?"**

4 MR. COYNE: Objection, form, foundation,
5 incomplete hypothetical, requires the witness to
6 speculate, argumentative, and harassing I might
7 mention as well.

8 Go ahead.

9 MR. HOLMES: On behalf of the State's
10 Attorney's Office, I instruct the witness not to
11 answer on the ground of the deliberative process
12 privilege.

13 BY THE WITNESS:

14 A. Follow the attorney's advice.

15 BY MR. STARR:

16 **Q. And you'll refuse to answer that**
17 **question?**

18 A. Yes, sir.

19 MR. STARR: Okay. All right. Let's change
20 gears here a little bit. Let me show you what I
21 will mark as -- I think we are up to 5, right?

22 MR. COYNE: 5, is it?

23 MS. WEST: Yeah.

24 MR. STARR: It's Exhibit 5, or -- no. I'm

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1 sorry. Yeah, yeah. This is Exhibit 5.

2 (Whereupon, Brannigan Deposition
3 Exhibit No. 5 was marked for
4 identification.)

5 BY MR. STARR:

6 **Q. You testified that you would have**
7 **reviewed whatever documents were in the trial**
8 **file to get a sense of the case before you went**
9 **out to interview Ms. Friend, right?**

10 MR. COYNE: By custom and practice was his
11 testimony, by the way, but --

12 BY THE WITNESS:

13 A. Say that again.

14 BY MR. STARR:

15 **Q. You testified that it was your practice**
16 **to review whatever documents were in the trial**
17 **file, correct?**

18 A. Or part of them. Whatever I got my
19 hands on. Sometimes I review every single
20 document. Sometimes I just glance at stuff.

21 **Q. And you didn't --**

22 A. Depending on what I was asked to do.

23 **Q. And you didn't deviate from that**
24 **practice in this case, right?**

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1 A. I know I didn't review the whole file
2 in this one. It was only one assignment, and
3 that was this affidavit, and they wanted me to
4 get that.

5 **Q. Do you remember what you did review**
6 **before you went out to interview Ms. Friend?**

7 A. No, sir.

8 MR. STARR: Okay. So I'm going to show you a
9 couple documents and ask if you reviewed them
10 before you went out to interview Ms. Friend.

11 So this first document is -- which is
12 going to be Exhibit No. 5 is a Bates
13 CITY-JF-15145 through 15151.

14 This is the handwritten statement. Do
15 you need a copy of it?

16 MS. WEST: Yes, sure.

17 MR. COYNE: Thank you.

18 MR. STARR: I only made four hard copies. I
19 didn't know everyone was going to be here.

20 THE WITNESS: Thank you.

21 BY MR. STARR:

22 **Q. So take a minute to review that. You**
23 **don't necessarily need to read it in its**
24 **entirety. Just familiarize yourself with it.**

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1 And, you know, I'm happy to let you read it if
2 you want, but I'm not going to ask you a lot of
3 questions about it. Let me know when you've had
4 a chance to review it.

5 A. Yeah. I looked at it.

6 Q. Okay.

7 A. I did not read it, but I looked at it.

8 Q. That's fine.

9 A. I understand what it is.

10 Q. Okay. Have you seen this document
11 before today, sir?

12 A. No, sir, not that I recall.

13 Q. Did you -- so you didn't review this in
14 preparation for today's --

15 A. I don't remember seeing this at all.

16 Q. You didn't review it in preparation for
17 today's deposition, right?

18 A. I didn't review it.

19 Q. In preparation --

20 A. For this?

21 Q. For today's dep, yeah.

22 A. That's correct.

23 Q. Okay. And this is a handwritten
24 statement of Ms. Friend, correct?

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1 A. Yeah.

2 Q. And it purports to have been taken on
3 March 9 of 2002, at 1:00- -- 1:50; is that
4 correct?

5 A. When is this taken?

6 Q. Up at the top there.

7 A. Oh, the shooting. Okay. I'm looking
8 at the shooting, yeah. 9th of March, yeah.

9 Q. Okay. And you see that the Detectives
10 Bogucki and Schalk were present for this, along
11 with ASA Jennifer Walker.

12 Do you see that?

13 A. Yes.

14 Q. And do you know whether or not you were
15 given this to review in -- before you went
16 out --

17 A. Pardon me?

18 Q. Let me finish.

19 Do you know whether or not you were
20 given this to review before you went out to
21 interview Ms. Friend?

22 A. I -- I know as I sit here today now
23 that I did not see this before.

24 Q. You know for a fact that you've never

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1 **seen this before?**

2 A. Correct.

3 **Q. Okay. Do you -- are you familiar with**
4 **these types of handwritten statements from your**
5 **work --**

6 A. Yes.

7 **Q. -- with the Cook County State's**
8 **Attorney's Office?**

9 THE COURT REPORTER: Sorry. Could you wait?
10 Could you repeat the question?

11 MR. STARR: Yeah. Sure.

12 BY MR. STARR:

13 **Q. Are you -- you are familiar with this**
14 **type of -- this format of a handwritten**
15 **statement --**

16 A. Yes.

17 **Q. -- taken by the State's Attorney based**
18 **on your experience as a Chicago police officer**
19 **and a Cook County investigator, right?**

20 A. Yes, sir.

21 **Q. Okay. Can you look at the last page?**

22 A. Yes.

23 **Q. Do you recognize that person?**

24 A. Yeah. I remember seeing this photo

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1 somewhere.

2 Q. Do you recall whether or not you saw
3 this photo before you interviewed Ms. Friend?

4 A. I don't recall.

5 Q. Do you know -- do you know who this
6 person is?

7 A. This?

8 Q. Yeah.

9 A. Yeah, that's Fletcher.

10 Q. Yeah. That's Bates 15151, right?

11 A. I what?

12 Q. The number at the bottom, the attorney
13 number, it's 15151.

14 A. Yes, sir.

15 Q. And you know this to be James Fletcher?

16 A. Yes, yeah. I believe that's Fletcher,
17 yes, sir.

18 Q. Okay. And do you know if this is what
19 James Fletcher looked like in 1990 or at some
20 other point in time?

21 MS. WEST: Speculation.

22 BY THE WITNESS:

23 A. I don't know.

24 BY MR. STARR:

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1 **Q. Okay. How did Ms. Friend pronounce her**
2 **first name?**

3 A. I believe she is -- called it Freend
4 (phonetic).

5 **Q. Her last name, Friend?**

6 A. Freend, I think. I'm not positive.

7 **Q. Okay. Well, I asked you about her**
8 **first name, but that's interesting.**

9 A. Oh, okay.

10 **Q. How did she pronounce her first name?**
11 **Do you know?**

12 A. I don't remember. I don't remember. I
13 don't remember specifically even asking her
14 other than her name is Friend, and "Are these
15 your affidavits?"

16 **Q. Well, how would you pronounce her first**
17 **name?**

18 A. How would I?

19 **Q. Yeah.**

20 A. Sheeney (phonetic).

21 **Q. Sheeney?**

22 A. That's how I would --

23 **Q. Okay. With a -- with a -- like an E-Y**
24 **on the end, Sheeney?**

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1 A. Phonetically, yeah.

2 Q. Instead of Sheenay (phonetic) with like
3 an A-Y, correct?

4 A. Sheeney is how I would pronounce --

5 Q. So let the --

6 A. I would pronounce this name here
7 Sheeney.

8 MR. STARR: Okay. So let the record reflect
9 that he pronounced Ms. Friend's first name,
10 Sheeney, with an E-Y instead of an A-Y on the
11 end; is that fair?

12 MR. COYNE: He testified that's the way he
13 would pronounce it, not that he ever
14 specifically did pronounce it that way.

15 MR. STARR: Well, he did pronounce it that
16 way in the dep.

17 MR. COYNE: Right. No. He's -- well, okay.
18 If you're saying -- if you're representing it in
19 a dep. I'm just saying that was his testimony.
20 Your question was how would you pronounce it.

21 MR. HOLMES: Join.

22 MR. COYNE: Okay. Go ahead.

23 BY MR. STARR:

24 Q. Okay. And then you testified

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1 **furthermore that Ms. Friend, common**
2 **pronunciation, pronounced her name Freend**
3 **(phonetic) as if it was spelled phonetically,**
4 **F-R-E-E-N-D, correct?**

5 A. I seem to remember that, yes.

6 **Q. Okay. All right. You can put that**
7 **document down. I am going to show you another**
8 **document.**

9 MS. MORRISON: Could we take, like, a
10 two-minute bathroom break while you go through
11 the exhibits?

12 MR. STARR: Sure.

13 MS. MORRISON: Thanks.

14 (Whereupon, a short break was
15 taken.)

16 MR. STARR: All right. I'm going to show you
17 what I am going to now mark as Exhibit No. 6,
18 and for the record, it's Bates CITY-JF-15169
19 through 15170.

20 (Whereupon, Brannigan Deposition
21 Exhibit No. 6 was marked for
22 identification.)

23 BY MR. STARR:

24 **Q. I'm going to -- take a look -- a minute**

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1 to look at that, sir, and I'm going to ask you a
2 similar set of questions that I just asked you
3 about the other document.

4 Have you had an opportunity to look
5 that over?

6 A. I looked it over, yes, sir.

7 Q. Okay. In Exhibit No. 6, have you seen
8 this document before today?

9 A. Unsure. I'm not sure.

10 Q. Did you review this document in
11 preparation for today's deposition?

12 A. No, sir.

13 Q. Do you know what this document is?

14 A. Yes, sir.

15 Q. What is this?

16 A. It's a case report on the original
17 shooting of the victim, Sorrell.

18 Q. Is this what's referred to as a general
19 offense case report?

20 A. Yes, sir.

21 Q. Okay. And a general offense case
22 report is the first report that is generally
23 generated in a homicide or a crime?

24 A. Yes, sir.

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1 Q. Okay. And do you know whether or not
2 you looked at this document before you went out
3 and interviewed Ms. Friend?

4 A. I'm not certain at this point in time.

5 Q. Okay. So you don't have any
6 independent recollection of reviewing it prior
7 to interviewing her, correct?

8 A. Wait. I don't --

9 Q. You do not have any independent
10 recollection of reviewing this?

11 A. Oh, correct, correct.

12 Q. And do you see that the reporting
13 officer is listed as J. Gilger?

14 Do you see that name down there?

15 A. G-I-L-G-E-R.

16 Q. Mm-hmm.

17 A. Yes, sir.

18 Q. Do you know Mr. Gilger?

19 A. No, sir.

20 Q. Okay. And do you see the person that
21 arrived on the scene from Area Five is a
22 detective by the name of Fleming? It's a little
23 farther in the same bottom column there to the
24 right.

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1 A. Where is that at? Oh, right. I see.
2 That's a notification there or something?

3 **Q. Yeah.**

4 A. That's routine. They call that in to
5 get a name and make sure the detectives know
6 about the case.

7 **Q. Well, this one says he arrived on the**
8 **scene.**

9 Do you know the detective by the name
10 of Fleming?

11 A. No, sir.

12 **Q. Okay. And do you see that there is two**
13 **offenders listed in this case report? It's the**
14 **column 40.**

15 A. I'm sorry?

16 **Q. It's column -- or Box 40, 41, 42. It's**
17 **the information about the offenders. I have it**
18 **highlighted here if it helps you orient**
19 **yourself.**

20 A. I see them.

21 **Q. And do you see in the description, the**
22 **physical description of the two offenders, the**
23 **first one says: male, 28 to 21 [sic], 6' tall,**
24 **170 pounds, long black as far as hair, dark**

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1 **complexion?**

2 **Do you see that?**

3 A. Yes, sir.

4 **Q. Do you know whether or not that --**
5 **those physical descriptions matched up with**
6 **Mr. Fletcher or not?**

7 A. No idea, sir.

8 **Q. Okay. And then do you see in the**
9 **second box down the -- it's listed for the**
10 **second offender, male, age 30, height 6',**
11 **weight 170, brown eyes, ponytail, dark**
12 **complexion?**

13 **Do you see that?**

14 A. Yes, sir.

15 **Q. Do you know whether or not those**
16 **physical descriptions match up to Mr. Fletcher**
17 **or not?**

18 A. No, sir.

19 **Q. Okay. Did you ask Ms. Friend to**
20 **describe Mr. Fletcher when she saw him allegedly**
21 **commit the Willie Sorrell homicide?**

22 A. No, sir.

23 **Q. Did you ask her for any description of**
24 **Mr. Fletcher at all?**

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1 A. No, sir.

2 Q. Okay. And I'm going to have you flip
3 over to the second page here. There's some
4 other officers. I'm just wanted to ask you if
5 you're familiar with them: Officer Maniscalco.

6 Do you see that?

7 A. Yes, sir.

8 Q. Do you know who that person is?

9 A. Do I know who he is?

10 Q. Yeah.

11 A. No, sir.

12 Q. Officer Gates, do you know who that is?

13 A. No, sir.

14 Q. First Deputy Povolito, do you know who
15 that is?

16 A. No, sir.

17 Q. Okay. Does anything about this
18 document -- anything in this document refresh
19 your recollection beyond what you've already
20 testified to about your role in the --

21 A. Slow down. I'm sorry.

22 Q. Does reviewing this document refresh
23 your recollection any further than what you've
24 already testified to today?

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1 A. No, sir.

2 MR. STARR: Okay. You can put that aside.

3 I'm going to show you what I am going
4 to mark as Exhibit No. 7. And, again, you don't
5 need to review this in its entirety. Just
6 glance through it and see if you're familiar
7 with it.

8 And, for the record, it's Bates
9 CITY-JF-15167 through 15188 -- I'm sorry --
10 158 -- 15189.

11 (Whereupon, Brannigan Deposition
12 Exhibit No. 7 was marked for
13 identification.)

14 BY MR. STARR:

15 Q. Did you have a chance to review this
16 document, sir?

17 A. Yes, sir.

18 Q. Do you -- did you review this document
19 in preparation for today's deposition?

20 A. No, sir. I did not review this for the
21 deposition.

22 Q. Have you ever seen this document before
23 today?

24 A. No, sir.

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1 **Q. Do you know what this document is?**

2 A. It looks like an old computer run on a
3 name -- by names.

4 **Q. And when you say an "old computer run,"**
5 **because it says Chicago Police Department as**
6 **it's indicated at the top, it's a --**

7 A. You --

8 **Q. You say it's an old computer run on**
9 **names because it says at the top "Chicago Police**
10 **Department"?**

11 A. Correct.

12 **Q. Do you know what kind of computer run**
13 **this would be?**

14 A. It would be for names. From its
15 appearance, for the names with Fletcher in it.

16 **Q. Right.**

17 **Do you know what kind of system the run**
18 **would have --**

19 A. And I think it was called ICAD or
20 something like that.

21 **Q. ICAM?**

22 A. ICAM, ICAD. I'm not sure.

23 **Q. Okay. Is there -- is there -- is there**
24 **one system called ICAM and one system called**

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1 **ICAD? Do you know?**

2 A. You know, I can't remember now.

3 **Q. Okay. Is this something you might have**
4 **done when -- not this particular one, but as a**
5 **general practice when you were on the police**
6 **department --**

7 A. Right.

8 **Q. -- run a name through the ICAM or ICAD**
9 **system?**

10 A. When that ICAM was out, for the most
11 part I was detailed out of the police
12 department. So I didn't do much of this.

13 **Q. Okay.**

14 A. I would have to have somebody do it.
15 So I'm not really familiar with any of --

16 **Q. So you didn't --**

17 A. At this time frame, like in the '90s or
18 whenever.

19 **Q. This one says 1999, August.**

20 A. '99, yeah.

21 **Q. Yeah.**

22 A. Yeah. I was back -- yeah, this is
23 ICAM. I remember.

24 **Q. Do you see right here right on the**

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1 left, it says, "Today is" and it says
2 19 August --

3 MR. COYNE: Yeah, '99. Yeah.

4 BY MR. STARR:

5 Q. Okay. So you were back in the
6 department --

7 A. Yeah. I was back with the department
8 then.

9 Q. -- at that point?

10 You were back in the department by that
11 time?

12 A. Yeah, I was back.

13 Q. Okay. So is this a search that you
14 would have been -- this type of search is
15 something you would be familiar with?

16 A. Yeah.

17 Q. Okay. And you think it's an ICAM
18 search; is that correct?

19 A. Yeah.

20 Q. Okay. And is this a search to -- can
21 you explain what the purpose of running an ICAM
22 search is as far as you understood it?

23 A. Yeah, to find something. You could --
24 you had different parameters. It wasn't real

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1 sophisticated back then. You had -- so someone
2 was looking for individuals with certain
3 parameters with the name -- first name of
4 Fletcher or maybe -- maybe even last name of
5 Fletcher. That's my take on it.

6 **Q. And this is a printout that you would**
7 **get after putting that parameter -- those**
8 **parameters and the name in?**

9 A. Well, you -- back then you might have
10 even had to send downtown for it --

11 **Q. To get an ICAM search?**

12 THE COURT REPORTER: Sorry? Send downtown
13 for it?

14 BY THE WITNESS:

15 A. Send downtown to get the search done.
16 I really -- I'm -- I really can't remember right
17 now.

18 BY MR. STARR:

19 **Q. Yeah. That's okay.**

20 **Is this a search that you -- Do you**
21 **recall if this is a search that's also**
22 **associated with getting photographs of the**
23 **people?**

24 A. Yeah. You would get photographs off

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1 this, too.

2 Q. Okay. So put a name in, put some
3 parameters in, you get a list of addresses and
4 other information, and you'd also get
5 photographs, correct?

6 A. You could, yes.

7 Q. Okay. And this is not a document that
8 refreshes your recollection at all, does it?

9 A. No.

10 MR. STARR: Okay. You can put that to the
11 side. And that was 7. I'm going to show you 8.

12 (Whereupon, Brannigan Deposition
13 Exhibit No. 8 was marked for
14 identification.)

15 BY MR. STARR:

16 Q. And for the record, this is Bates
17 CITY-JF-15191 through 15201. Just take a moment
18 to review this, and I will ask you a few
19 questions about it as well, sir.

20 Have you had an opportunity to review
21 that document, sir?

22 A. Yes.

23 Q. Did you review this document in
24 preparation for today's dep?

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1 A. No, sir.

2 **Q. Do you know -- Did you see this**
3 **document back when you were working for the**
4 **State's Attorney's Office prior to going out to**
5 **interview Ms. Friend?**

6 A. No, sir.

7 **Q. Do you know what --**

8 A. I don't recall seeing it.

9 **Q. Do you know what this document is?**

10 A. Yes, sir.

11 **Q. What is this document?**

12 A. It's a run, a criminal history run, the
13 same -- similar to the ICAM, looking at --
14 naming different names using Fletcher.

15 **Q. And is this a name run, as you refer to**
16 **it, that would have happened -- can you tell any**
17 **difference between these two different**
18 **documents, Exhibit No. 7 and Exhibit No. 8?**

19 A. That was the more sophisticated one. I
20 think this one would have been run to give them
21 information to put in for that.

22 **Q. Okay.**

23 A. But don't quote me on any of it.

24 **Q. Okay. So No. 7 -- Exhibit No. 7 would**

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1 **be an example of a more sophisticated --**

2 A. I think so, yeah.

3 **Q. -- search?**

4 A. This was the older first step to get
5 into that, okay, so --

6 **Q. And would this -- would this -- was**
7 **this -- based on your experience, is this -- do**
8 **you have a general idea of when this document**
9 **was in use, this type of run was in use?**

10 A. No. I couldn't tell exactly when.

11 **Q. Would it have been likely before 1999?**

12 A. Yeah. I would say this one was before
13 '99.

14 **Q. Okay. And would this also be the type**
15 **of run that you would do to request photos if**
16 **you wanted to request photos?**

17 A. No. Photos then you were -- in '90 you
18 were pretty much doing it by hand. You had to
19 fill out a slip, you'd send it downtown or hand
20 carry it downtown, and they would give you the
21 photos from their database. They were still
22 done with film and everything at that time.

23 **Q. Okay.**

24 A. That's my best recollection.

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1 **Q. And so do you have any sense of, like,**
2 **this particular run would only be done to get**
3 **names then, or what other purposes would this**
4 **run necessarily be done for?**

5 A. It's --

6 MS. MORRISON: Object to foundation, form.

7 BY THE WITNESS:

8 A. My guess -- I don't really know for
9 sure, but my -- I don't want to guess. My --

10 MR. COYNE: Good idea.

11 THE WITNESS: Huh?

12 MR. COYNE: That's a good idea.

13 BY THE WITNESS:

14 A. I really don't know what whoever did
15 this was up to.

16 BY MR. STARR:

17 **Q. Okay. And you don't believe you saw**
18 **this prior to your interview with Ms. Friend,**
19 **correct?**

20 A. That's correct.

21 **Q. I don't know if I asked you about**
22 **Exhibit No. 7.**

23 **Did you -- do you know if you reviewed**
24 **this before you interviewed Ms. Friend?**

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1 A. I don't believe so.

2 Q. Okay. Do you see at the top of this
3 Exhibit No. 7 --

4 A. Wait, wait.

5 Q. -- it says, "Confidential Report"?

6 A. Okay. Go ahead.

7 Q. Do you see it says, "Confidential
8 Report"?

9 A. Yep.

10 Q. Does that indicate anything to you?

11 A. Does what?

12 Q. Does that indicate anything to you?

13 A. Confidential.

14 MR. COYNE: Objection, form.

15 BY MR. STARR:

16 Q. About the type of report, yeah.

17 A. Only that it's confidential, that it's
18 not out there in the public domain. Probably
19 only at that time -- here I go, probably, again.
20 I suspect it was only available to the detective
21 division at that time.

22 Q. Okay. In 1999.

23 Do you know if you could run this
24 report and not run it confidential -- as a

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1 **confidential report? Do you have any idea about**
2 **that?**

3 MS. MORRISON: Objection to foundation,
4 speculation.

5 MS. WEST: Join.

6 BY MR. STARR:

7 **Q. In 1999.**

8 A. Me?

9 **Q. Yeah. Did you have any experience**
10 **doing that?**

11 A. Say that again.

12 **Q. Yeah.**

13 **Do you know if this report only could**
14 **be run as a confidential report in 1999?**

15 A. No. I don't know for sure.

16 **Q. Do you know what a confidential RD**
17 **number is?**

18 A. Yes.

19 **Q. What is that?**

20 A. That's a -- an RD number is a number
21 assigned to the Chicago Police Department case
22 report, and it's confidential. They -- they did
23 it by hand, and they don't attach anything to
24 it. And whatever they are doing will be the

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1 subject of reports with that number. That
2 documents the time and the location of an
3 incident.

4 It's -- primarily was used for
5 narcotics purchases. They would be out buying
6 dope. Well, they don't want to have an address
7 and everything else, but they would give the RD
8 number to identify -- they might use the police
9 station as the address.

10 **Q. And RD stands for record division?**

11 A. Record -- the case report that would be
12 attached to a crime or an incident.

13 **Q. And in my experience, most RDs are not**
14 **considered confidential RDs; is that --**

15 A. Pardon?

16 **Q. Most RDs are just RDs, not confidential**
17 **RDs --**

18 A. I --

19 MS. WEST: Give me a second. I'm going to
20 object to this line of questioning. He is a
21 fact witness as an Assistant State -- or as a
22 State's Attorney's investigator, not an expert
23 in records for the Chicago Police Department,
24 nor has he been tendered as a 30(b)(6) witness.

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1 So I would just have a standing
2 objection to the line of questioning. It has
3 nothing to do with his role in the underlying
4 investigation.

5 MS. MORRISON: And I will join that
6 objection.

7 MR. STARR: You can answer if you remember
8 what I asked.

9 MR. COYNE: And I would also note that one of
10 the subjects -- one of the subjects of my motion
11 for a protective order encompassed that issue.

12 But go ahead.

13 THE WITNESS: Okay.

14 MR. COYNE: You can go ahead and answer.

15 BY MR. STARR:

16 **Q. I think I asked, most RDs are not --**

17 A. You asked about a confidential RD --

18 THE COURT REPORTER: Sorry. If you could
19 wait and speak one at a time.

20 THE WITNESS: Okay.

21 BY MR. STARR:

22 **Q. Most RDs are not confidential, correct?**

23 A. Correct.

24 **Q. And I think what you testified is that**

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1 **an RD -- a confidential RD is different than a**
2 **regular RD because it's primarily about a**
3 **narcotics investigation?**

4 A. That would be the most common use.
5 There might be a confidential investigation into
6 a dirty cop or something like that. They just
7 get a number to document that this investigation
8 was launched, basically.

9 **Q. Was -- Have you ever seen a**
10 **confidential RD attached to a homicide?**

11 MS. MORRISON: Same objections.

12 MS. WEST: Join.

13 MR. COYNE: Go ahead.

14 BY THE WITNESS:

15 A. Have I ever seen one?

16 BY MR. STARR:

17 **Q. Yeah.**

18 A. No.

19 MR. STARR: Okay. You can put that document
20 aside, those two documents aside. I'll show you
21 another document here I will just mark as No. 9.
22 And for the record, this is CCSAO Conflicts 1761
23 through 1767.

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1 (Whereupon, Brannigan Deposition
2 Exhibit No. 9 was marked for
3 identification.)

4 BY MR. STARR:

5 Q. And the same thing, sir, just -- if you
6 could just page through it and take a look at it
7 and let me know when you're ready to talk about
8 it.

9 Exhibit No. 9, did you review that in
10 preparation for today's dep?

11 A. Did I --

12 Q. Yeah.

13 A. -- look at this document?

14 Q. Yes.

15 A. I've never seen it before.

16 Q. Okay. So it's safe to assume that you
17 did not review this prior to interviewing
18 Ms. Friend; is that correct?

19 A. Correct.

20 Q. Okay. Do you know what this document
21 is, sir?

22 A. Do I know what it is?

23 Q. Yeah.

24 A. Yeah, well, pictures from IDOC of

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1 inmates.

2 Q. Yeah. If I represented to you that
3 this is the photo array that was shown to the
4 witnesses in the Willie Sorrell homicide in
5 2002, would you have any reason to doubt that?

6 A. I don't know --

7 Q. Okay.

8 A. -- is my answer. I don't -- I don't
9 know what was shown to the witnesses.

10 Q. So the record is pretty clear that this
11 is a photo array that was shown to the witnesses
12 in 2002.

13 A. That's what they were shown?

14 Q. Yeah.

15 THE COURT REPORTER: Sorry. Your answer?

16 BY THE WITNESS:

17 A. That's what they were shown?

18 BY MR. STARR:

19 Q. Correct.

20 A. I don't know that, but if you tell me
21 that, we will go with it.

22 Q. Okay. And my question for you is,
23 having never reviewed this previously, have you
24 ever done a photo array in your career?

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1 A. Have I?

2 Q. Yeah.

3 A. I've participated in them, yes.

4 Q. Okay. As a Chicago police officer?

5 A. Yeah.

6 Q. Did you ever use IDOC photos to conduct
7 a photo array?

8 MS. WEST: I'm going to state the same
9 objection as I made earlier, that he is a fact
10 witness here to testify about his involvement in
11 the underlying investigation that he -- took
12 place in the locating and speaking with
13 witnesses as a State's Attorney investigator.

14 He's not here to testify about his time
15 at the Chicago Police Department, nor has he
16 been tendered as an expert for the Chicago
17 Police Department or a 30(b)(6) witness and a
18 standing objection to all lines of questioning
19 outside the bounds of his involvement in the
20 underlying investigation that the State's
21 Attorney did.

22 MS. MORRISON: Join.

23 MR. STARR: I don't think you made the
24 objection, like --

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1 MS. WEST: I --

2 MR. STARR: -- 55 questions ago -- that you
3 didn't object to then -- but okay.

4 THE COURT REPORTER: Sorry?

5 MR. STARR: I said I don't think you made an
6 objection on a question I asked --

7 MS. WEST: I --

8 MR. STARR: -- 55 questions ago, but if you
9 want to make a standing one moving forward, I
10 don't -- I do not have a problem with that.

11 BY MR. STARR:

12 Q. Sir, do you remember what I asked you?

13 A. Did what?

14 Q. Do you remember what I asked you?

15 A. Do I remember what?

16 Q. What my question was?

17 A. No.

18 Q. Okay.

19 A. You'll have to begin again.

20 Q. In your career as a Chicago police
21 officer, did you ever do a photo array using
22 photos from the IDOC website like this?

23 A. No, sir.

24 Q. Okay. Do you think there is anything

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1 **improper about using photos from the IDOC**
2 **website like this --**

3 MR. COYNE: Objection.

4 BY MR. STARR:

5 **Q. -- for a photo array?**

6 MR. COYNE: Sorry. Objection, form,
7 foundation.

8 MR. STARR: Let me just reask it.

9 BY MR. STARR:

10 **Q. Do you think there is anything improper**
11 **about using photos printed off the IDO- -- IDOC**
12 **website like this exhibit to conduct a photo**
13 **array?**

14 MS. WEST: Objection.

15 MR. COYNE: Objection, form, foundation.

16 MR. HOLMES: And, Counsel, we had a crosstalk
17 before you reasked the question. In that
18 crosstalk, you clarified that you're asking the
19 witness to base his response solely on his
20 experience as a police officer in the Chicago
21 Police Department, correct?

22 MR. STARR: Yes.

23 MS. WEST: And I'm going to join Mr. Coyne's
24 objections and repeat the standing objection.

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1 MS. MORRISON: Same. And form.

2 BY THE WITNESS:

3 A. All right. Now, where are we at? Go
4 ahead and answer -- answer the question, right?

5 BY MR. STARR:

6 Q. Given your experience as a Chicago
7 police officer, do you think there is anything
8 improper about using photos printed off an IDOC
9 website like this Exhibit No. 9 to conduct a
10 photo array?

11 MR. COYNE: Same objections.

12 MS. WEST: Same.

13 MS. MORRISON: Same.

14 BY THE WITNESS:

15 A. Exactly in this format?

16 BY MR. STARR:

17 Q. Yes.

18 A. Like that?

19 Q. Yes.

20 A. I wouldn't do it.

21 Q. Why not?

22 A. I just wouldn't do it. I think there
23 is a -- well, there's easier ways to get photos
24 within the police department --

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1 **Q. Okay.**

2 A. -- than to use that.

3 **Q. So in addition to there being easier**
4 **ways to get photos, is there any other reasons**
5 **why you would not use these type of photos to**
6 **conduct a photo array?**

7 MS. WEST: Same objections.

8 MS. MORRISON: Same objections.

9 MR. COYNE: Same objections.

10 MR. HOLMES: And again, Counsel, you are
11 asking him to answer based strictly off his
12 experience as a Chicago police officer, correct?

13 MR. STARR: Yes.

14 MS. WEST: Same objections. And at this
15 point you are asking him to opine about what he
16 would have done during an investigation, which
17 definitely goes outside of what he has been
18 disclosed or tendered as a witness, and I would
19 move to strike all lines of questioning relative
20 to it.

21 MS. MORRISON: Join.

22 BY MR. STARR:

23 **Q. Great. Can you answer the question?**

24 A. No.

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1 What are we going to -- what do you
2 want me to do? What would your recommendation
3 be?

4 MR. HOLMES: Well, Mr. Brannigan, what we are
5 establishing here is that the question for
6 Mr. Starr is being asked limited to your time
7 and experience as a Chicago police officer.
8 With that proviso, you can answer the
9 question --

10 THE WITNESS: Yes.

11 MR. HOLMES: -- if you're able to, and there
12 have been other objections lodged by your
13 counsel, Mr. Coyne, and by Ms. West and -- well,
14 I don't want -- I don't want to put words in
15 Mr. Coyne's mouth, because we had Mr. Coyne
16 objecting a moment -- a question ago, but
17 certainly by Ms. West and by counsel for the
18 City of Chicago.

19 MR. COYNE: And just for the record, my
20 motion for protective order limiting -- seeking
21 to limit the questions in this deposition to the
22 issues -- facts and issues in this case was
23 denied. So I just want to say at the beginning
24 of this deposition that was reincorporated into

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1 this deposition, that line of objections.

2 MR. STARR: And I also -- just for the
3 record, I just have, again, to say -- maybe I
4 haven't read it recently, but I thought your
5 protective order that you were seeking that was
6 denied was about questions about the McIntosh.

7 MR. COYNE: No. But I -- there was -- the
8 language expanded it to anything outside of this
9 case.

10 MR. STARR: Okay. Well, that's probably why
11 it got denied, but that's beside the point.

12 BY MR. STARR:

13 Q. Can you -- I will ask you this again.

14 A. Okay. Let's go.

15 Q. So you were a sergeant and you worked
16 in the cold case department -- unit, correct?

17 A. I did work in the cold case.

18 Q. Yeah.

19 And you were a detective that worked in
20 the cold case unit, right?

21 A. No. I was not a detective in the cold
22 case.

23 Q. Okay. Forgive me.

24 You supervised detectives that worked

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1 **in the cold case?**

2 A. Yes, yeah.

3 **Q. Besides the fact that there is other**
4 **ways to get photos, is there -- do you think**
5 **there is anything else -- strike that.**

6 **Is there any other reason why you would**
7 **think it improper to use these photos to conduct**
8 **a photo array other than the availability of**
9 **photos?**

10 MR. COYNE: Objection, form, foundation,
11 incomplete hypothetical, requires the witness to
12 speculate.

13 MR. HOLMES: Based strictly on the witness's
14 time and experience as a Chicago police officer,
15 correct, Counsel?

16 MR. STARR: Yeah. And I don't think you need
17 to keep interrupting my line of questions.

18 MR. HOLMES: I just would --

19 MR. STARR: He gets confused after one
20 objection.

21 MR. HOLMES: Just I would like to preserve --

22 MR. STARR: I -- I --

23 MR. HOLMES: I would like to preserve the
24 record in the ways that I see fit.

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1 MR. STARR: I'm not asking about anything to
2 do with the State's Attorney's Office, his time
3 with the State's Attorney. I am asking, given
4 his experience --

5 MS. MORRISON: Exactly. That's --

6 MR. STARR: Okay. Let's take a break. We're
7 going to be here past 6:00, because I have a lot
8 more to go, and if you guys want to --

9 THE COURT REPORTER: Are we off the record
10 right now?

11 MS. WEST: Sure. We can go off the record.

12 MR. COYNE: Okay.

13 (Whereupon, a short break was
14 taken.)

15 BY MR. STARR:

16 Q. Sir, given your experience as a Chicago
17 police officer --

18 A. Right.

19 Q. -- and as someone who was a sergeant
20 who supervised detectives in the cold case
21 unit --

22 A. Right.

23 Q. -- do you think there is anything
24 improper of the detectives in the cold case unit

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1 **using this Exhibit 9, these photos printed off**
2 **an IDOC website to conduct a photo array?**

3 MR. COYNE: Same objection, form and
4 foundation, speculation.

5 MS. WEST: Same objections.

6 BY THE WITNESS:

7 A. I have no idea what the parameters are
8 surrounding an investigation to use these
9 photos. So if I don't know what was going on,
10 what the parameters were, what the limitations
11 were imposed on the detectives, I don't want to
12 answer the question. I would not -- I would not
13 do this like this. And you're telling me this
14 is how it was done. I would not do it.

15 Sometimes there may be a reason for it.
16 I can't think of one right off the top of my
17 head, but I would not do it.

18 BY MR. STARR:

19 **Q. Fair.**

20 A. That's the best I can answer.

21 **Q. And my question is a little more**
22 **specific than that.**

23 **Do you think there is anything improper**
24 **about showing a photo array to a witness exactly**

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1 **like this?**

2 MR. HOLMES: Counsel, are you --

3 MR. COYNE: Same objections.

4 MR. HOLMES: Counsel, are you asking him
5 based --

6 MR. STARR: Yes.

7 MR. HOLMES: -- on his experience strictly as
8 a Chicago police officer?

9 MR. STARR: Yes.

10 MS. WEST: Same objections.

11 BY THE WITNESS:

12 A. I can't picture anybody showing it like
13 this, exactly like you're saying. If they did,
14 I don't think it would be in the best interests
15 of the case, but I don't know all the
16 parameters. I cannot say 100 percent.

17 BY MR. STARR:

18 **Q. That's -- that's fair.**

19 **And why would it maybe not be in the**
20 **best interests of the case? What do you mean by**
21 **that?**

22 MR. COYNE: Objection, form, foundation,
23 incomplete hypothetical.

24 MR. HOLMES: Objection. And I know you --

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1 MR. COYNE: And it requires speculation.

2 MR. HOLMES: I would repeat, Counsel, you are
3 asking based on his experience strictly as a
4 Chicago police officer?

5 BY MR. STARR:

6 Q. All these questions, the entire line of
7 questions are about your experience as a
8 sergeant in the cold case unit supervising
9 detectives.

10 Why may it not be in the best interests
11 of the case to show photos like this to a
12 witness in a photo array?

13 MR. COYNE: Same objections.

14 MS. WEST: Same objections.

15 MS. MORRISON: Same.

16 BY THE WITNESS:

17 A. Okay. Are you all done?

18 It may taint the lineup.

19 BY MR. STARR:

20 Q. How would it taint the lineup?

21 MR. COYNE: Same objections.

22 MR. HOLMES: Are you asking him based
23 strictly on his experience as a Chicago police
24 officer?

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1 MR. STARR: No. That one was about as a
2 State's Attorney's. I'm kidding. The entire --
3 I said the entire line of questions are about
4 his time as a sergeant supervising detectives in
5 the cold case unit.

6 MR. HOLMES: And now we have a new question
7 that's a different question, and Mr. Brannigan
8 is still the same witness who has had
9 experiences in both offices, so -- with both
10 employers.

11 MR. STARR: All of my questions --

12 MR. HOLMES: So that's why I -- I continue to
13 clarify.

14 MR. STARR: All of my questions until I let
15 you know otherwise are about your experience as
16 a sergeant supervising detectives in the cold
17 case unit within the Chicago Police Department.

18 BY MR. STARR:

19 Q. Why might this type of photo array
20 compromise an investigation --

21 MR. COYNE: Objection.

22 BY MR. STARR:

23 Q. -- or taint an investigation, as you
24 put it?

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1 MR. COYNE: Objection, form, foundation,
2 incomplete hypothetical, and requires
3 speculation.

4 MS. WEST: I'm just going to just put a
5 standing objection so I stop interrupting
6 everybody.

7 A standing objection to any line of
8 questioning relative to what he would have done
9 or his opinion as to what he would have done or
10 what they should have done as a Chicago police
11 sergeant in the cold case unit, because it's not
12 relevant, and I move to strike all questions.

13 MS. MORRISON: Join.

14 BY THE WITNESS:

15 A. Based on my experience, this would
16 taint the investigation, but I do not know the
17 parameters of -- and what they were limited to.

18 BY MR. STARR:

19 Q. Why -- as a -- again, this is a
20 continuing line of questions.

21 Why might that taint an investigation?

22 MR. COYNE: Same objection.

23 BY MR. STARR:

24 Q. What do you mean by that?

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1 MR. COYNE: Same objection.

2 MR. HOLMES: Based on his experience as a
3 Chicago police officer, correct?

4 MR. STARR: That's what I said.

5 BY THE WITNESS:

6 A. It's got all kinds of information on
7 there that may taint the investigation,
8 including the fact that the guy is currently in
9 IDOC.

10 BY MR. STARR:

11 **Q. Okay. So the fact that he is in IDOC**
12 **might taint an investigation, correct?**

13 MR. HOLMES: Based on his experience strictly
14 as a Chicago police officer. Is that what
15 you're asking, Mr. Starr?

16 MR. STARR: I'm asking questions that are in
17 a continuing line of questions. I have already
18 indicated for the record that I will indicate if
19 I'm not asking about his time as a Chicago
20 police officer.

21 MR. HOLMES: And he was personally involved
22 in investigating Mr. Fletcher's case while he
23 was with the CCSAO, which is -- which is why
24 there is this issue and it's a continuing issue.

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1 That's why I'm just going to continue to clarify
2 with each question if --

3 MR. STARR: He has testified that he didn't
4 see this document before his time investigating
5 the Fletcher case at the State's Attorney's
6 Office. I said that all the questions I'm
7 asking until I -- until I state otherwise on the
8 record are about his experience as a sergeant in
9 the cold case unit supervising detectives.

10 MR. HOLMES: Including this question?

11 MR. STARR: Including all questions until I
12 note otherwise.

13 MR. HOLMES: We will go question by question.

14 MR. STARR: Can you read the question back?
15 (Whereupon, the record was read
16 as requested.)

17 MR. HOLMES: And we have the clarification
18 concerning the scope of the question and the
19 witness's experience.

20 BY THE WITNESS:

21 A. Okay. Where are we at now?

22 If -- Photos shown that someone is in
23 IDOC could -- showing that, the individuals,
24 could taint the investigation the lineup.

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1 BY MR. STARR:

2 Q. And as a Chicago police officer, why
3 would you think that?

4 A. Because it shows the guy is in jail.

5 Q. Okay. Anything else about this type of
6 photograph?

7 A. It shows his height and weight. And it
8 doesn't show what he is in there for in this
9 one. It shows his height and weight and the
10 fact that he is in prison. That might be
11 considered tainting a lineup.

12 MR. STARR: Okay. Thank you. Sorry to
13 belabor that point.

14 All right. I'm going to show you what
15 I am going to mark as Exhibit No. 10. This is
16 CCSAO-CIU 1.

17 (Whereupon, Brannigan Deposition
18 Exhibit No. 10 was marked for
19 identification.)

20 BY MR. STARR:

21 Q. Did you review this document in
22 preparation for today's deposition, sir?

23 A. No, sir.

24 Q. Do you know what this document is?

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1 A. No, sir.

2 Q. Have you ever seen this document
3 before?

4 A. No, sir.

5 Q. Okay. Do you see your name in the
6 middle of the document? Do you see I have
7 highlighted it here for you?

8 A. Do I see what?

9 Q. Your name right there.

10 MR. COYNE: It's not highlighted. Oh, all
11 right. There it is here.

12 MR. STARR: It's not highlighted on the copy
13 I gave him.

14 MR. COYNE: Yeah. Okay. I got it.

15 BY MR. STARR:

16 Q. Do you see your name, sir?

17 A. I --

18 MR. COYNE: You see it? Okay.

19 Is the question -- the question now is,
20 do you see your name? Did he answer that?

21 THE COURT REPORTER: No.

22 THE WITNESS: Do I see --

23 MR. COYNE: Okay. The question is, do you
24 see your name?

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1 THE WITNESS: Do I see my name on this
2 document?

3 MR. COYNE: Yes. That's the question.

4 BY THE WITNESS:

5 A. Yes, sir.

6 BY MR. STARR:

7 Q. Okay. And you see at the top it's
8 titled "Cook County State's Attorney's Office
9 Privilege Log"?

10 A. Yes, sir.

11 Q. And then you see the last entry at the
12 very bottom has the initials DB.

13 Do you see that directly below your
14 name?

15 A. I got it.

16 Q. Okay.

17 A. Okay.

18 Q. Did anyone ever consult you about this
19 privilege log as far as you can recall?

20 MR. HOLMES: On behalf of -- on behalf of the
21 State's Attorney's Office, I instruct the
22 witness not to answer on grounds of work product
23 and deliberative process privilege.

24 MR. STARR: That yes/no question is a work

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1 product, whether or not anyone consulted him?

2 MR. HOLMES: About this specific subject,
3 yes.

4 MR. STARR: About the privilege log in
5 general, not about any specific subjects.

6 MR. HOLMES: Yes. About the -- yes, about
7 the substance of the privilege log.

8 MR. STARR: I'm not asking about the
9 substance. I'm asking him if anyone consulted
10 him about the privilege log.

11 MR. HOLMES: Mr. Starr, I remind you it's
12 impossible to separate the two.

13 BY MR. STARR:

14 **Q. Are you going to take the State's**
15 **Attorney's instruction and refuse to answer that**
16 **question?**

17 A. I don't even know where we are at
18 anymore. I have never seen this document or one
19 like it.

20 **Q. Yeah. So the question -- the question**
21 **wasn't about whether -- and I did ask you**
22 **earlier if you had seen any, and you said no.**
23 **But the question is, did anyone consult you**
24 **about this privilege log at any point in time?**

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1 **And he instructed you not to answer.**

2 **So my next question is, are you**
3 **refusing to answer the question?**

4 A. Yeah. I will follow his advice.

5 MR. STARR: Okay. You can put that aside.

6 All right. I'm going to show you what
7 I will mark as Exhibit No. 12, I think.

8 MS. WEST: 11.

9 MR. STARR: 11. Thank you, Allyson.

10 MS. WEST: Sure.

11 MR. STARR: Here you go.

12 MS. WEST: Thank you.

13 (Whereupon, Brannigan Deposition
14 Exhibit No. 11 was marked for
15 identification.)

16 BY MR. STARR:

17 **Q. Did you have a chance to look that**
18 **over, sir? Did you have a chance to look it**
19 **over?**

20 A. Yeah.

21 **Q. Okay. Did you review this document**
22 **before today's deposition in preparation?**

23 A. No, sir.

24 **Q. Okay. And do you know if you have ever**

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1 **seen this document before?**

2 A. No, sir. I've never seen it.

3 **Q. On this first page -- did I say the**
4 **Bates number? Maybe I did.**

5 THE COURT REPORTER: Yes. Or not --

6 MR. HOLMES: Not on this one.

7 MR. STARR: Okay. Thank you.

8 So, for the record, the Bates is -- for
9 Exhibit 11 is CCSAO-CIU 450 through 456.

10 BY MR. STARR:

11 **Q. This first page of this document, do**
12 **you see that?**

13 A. Yes, sir.

14 **Q. Do you recognize the handwriting on**
15 **this page?**

16 A. It could be mine.

17 **Q. It could be yours. Okay.**

18 Do you remember writing any of that
19 **information?**

20 A. No. No, sir.

21 **Q. Okay. And this is a yes/no question.**
22 Do you know what is redacted here?

23 A. No clue.

24 **Q. Okay. And then if you flip it over,**

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1 **it's seemingly just a copy of the first page**
2 **with the bottom part missing; is that correct?**

3 A. Yes, sir.

4 **Q. Okay.**

5 A. It looks like the same thing.

6 **Q. Yeah, without the bottom half.**

7 A. Okay.

8 **Q. And then if you look at the first four**
9 **pages, they are handwritten notes.**

10 Without reading those all right this
11 **minute, do you recognize the handwriting on any**
12 **of those notes?**

13 A. No, sir.

14 **Q. No?**

15 A. No, sir.

16 **Q. Okay. Do you know if you ever reviewed**
17 **these notes before today?**

18 A. Did I review these notes before today?
19 No, sir.

20 **Q. Okay. So this is your first time**
21 **seeing these notes?**

22 A. That's correct.

23 **Q. Okay. If you look on the second to**
24 **last page, 454.**

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1 A. Okay.

2 Q. And I'm going to read it partially into
3 the record -- and correct me if you think it
4 reads something differently, but it says,
5 March 1995, Schalk/Bogucki - Armed with info
6 about Fletcher and detection. Put Clinton
7 Fletcher photo in array. Lived in area. Had
8 arrests -- something -- drugs, robbery, guns.

9 Do you see that?

10 A. Yes.

11 Q. Does hearing that there was a photo
12 array done with someone named Fletcher Clinton
13 refresh your recollection at all, sir?

14 A. Wait. Say it again.

15 Q. Yeah.

16 Does hearing that the Detectives
17 Bogucki and Schalk did a photo array with
18 someone named Fletcher Clinton, does that
19 refresh your recollection at all?

20 A. I never saw it. I don't know what -- I
21 have no clue what this is.

22 Q. Okay. Okay. I'm just asking if
23 hearing that, does that refresh your
24 recollection in any way at all?

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1 A. No.

2 Q. Okay. You can put that aside for now.

3 Well, actually, sorry. Look at page 453.

4 Do you see there is two -- in the
5 middle of the page, there is two descriptions?

6 A. Descriptions, yes, sir.

7 Q. And in the first description, it says,
8 male, black, 20s, 5'8" to 5'11", slim build,
9 dark complexion with gun.

10 Do you see that?

11 A. Yes.

12 Q. The second one says, male -- male,
13 black, 20s, 5'8" to 5'11", slim build, dark
14 complexion with gun, correct?

15 A. Yes, sir.

16 Q. Did you ever learn that the
17 descriptions of the offenders at some point were
18 different than what was in the general offense
19 case report?

20 MS. MORRISON: Object to the form of the
21 question.

22 BY THE WITNESS:

23 A. Did I?

24

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1 BY MR. STARR:

2 Q. Yeah.

3 A. No, sir.

4 Q. Okay. You can put that aside now.

5 This next one is a longer exhibit, and
6 we are not going to look at all of it, but I
7 just will have it as a group exhibit.

8 And like I said, I'm not going to ask
9 you about this entire document. And the Bates
10 is not sequential, but the first page of this
11 exhibit the Bates is CCSAO_Conflicts CIU 76 and
12 the last page is 347, and I will for the record
13 note what page I'm talking about when I talk
14 about it.

15 A. 347?

16 Q. Yeah. Do you see that, the last page
17 there?

18 Can you turn to the fourth page, sir?
19 It's a Bates 154 -- I'm sorry. The fifth page.

20 A. I'm sorry?

21 Q. The fifth page, Bates 154.

22 A. Got it.

23 Q. Do you see it's like a -- handwritten
24 notes?

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1 A. Yes, sir.

2 Q. It appears to be from someone named Jim
3 Papa.

4 Do you see that name at the bottom?

5 A. Yes, sir.

6 Q. Do you know who Mr. Papa is?

7 A. Yes, sir.

8 Q. And who is he?

9 A. An Assistant State's Attorney.

10 Q. Do you recall working with Mr. Papa on
11 the Fletcher case at all?

12 A. Not as I sit here right now.

13 Q. Okay. And just review this brief note,
14 and let me know when you're done. I want to ask
15 you --

16 A. Pardon?

17 Q. Just read this brief note to yourself.

18 A. This note?

19 Q. Yeah.

20 A. Okay. A one-page note, correct.

21 Q. Yeah.

22 Do you -- have you ever seen this note
23 before?

24 A. No, sir.

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1 Q. Okay. Do you know if this note was
2 written and given to you at any point?

3 A. Pardon.

4 Q. Do you know if this note was given to
5 you at any point?

6 A. Was this given to me?

7 Q. Yeah.

8 A. Not that I recall.

9 Q. Okay. All right. You can take a look
10 at 172, which is two pages more into the
11 sequence.

12 A. What number? 17- --

13 Q. 172.

14 A. Okay.

15 Q. And at the very top of the page, there
16 is a little bit of writing.

17 A. Right.

18 Q. Do you see that writing?

19 A. Yeah.

20 Q. All right. I'm going to try to read it
21 into the record, and if you think I read it
22 incorrectly, let me know. It looks like the
23 date is 1/3/20.

24 Do you see that?

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1 A. Yes.

2 Q. And then it looks like, JM or Jim spoke
3 with Investigator Brannigan. Brannigan will
4 retain -- something -- investigative file --
5 something -- it's needed in the future -- if
6 it's needed in the future?

7 MR. COYNE: So the top of the page has
8 "Confidential - Subject to a Protective Order"
9 that is stamped over a portion of the
10 handwriting, just for the record.

11 BY MR. STARR:

12 Q. Did I read that correctly?

13 A. Okay. What now?

14 Q. Did I read the note correctly?

15 A. I got Brannigan twice.

16 Q. Well, why don't you read it into the
17 record if you can understand it better than I.

18 A. Okay.

19 MR. COYNE: I'll just note an objection. Due
20 to the language "Confidential - Subject to a
21 Protective Order" obstructing a portion of the
22 note.

23 Go ahead.

24 BY THE WITNESS:

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1 A. Me read it or you read it?

2 BY MR. STARR:

3 Q. Yeah. If you could -- to the best of
4 your ability, if you could read it into the
5 record, I would appreciate it.

6 A. It looks like 1 -- 1/3/20, JM spoke
7 Investigator -- INV -- Brannigan. Brannigan
8 until return -- I can't make it out. I can't
9 make out the rest. I see INV again. Something
10 in the future.

11 Q. Yeah. Okay.

12 A. On the future or in the future.

13 Q. So the way that I --

14 A. That's the best that I can do.

15 Q. Yeah. That's fair.

16 The way that I read it is, JM or Jim
17 spoke with Investigator Brannigan. Brannigan
18 will retain -- something -- investigative
19 file -- something -- it's needed in the future.

20 Does that make sense to you?

21 MR. COYNE: Objection, foundation.

22 BY THE WITNESS:

23 A. No, sir.

24 BY MR. STARR:

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1 **Q. But -- but when I read it -- when I**
2 **read it into the record, do you follow along?**
3 **Does it seem like it says that to you?**

4 MR. COYNE: Same objection.

5 BY THE WITNESS:

6 A. I -- I'm not sure. I don't see file.
7 I think you said file or something in --

8 THE COURT REPORTER: Could you repeat that?

9 THE WITNESS: He asked -- what did he ask, if
10 I -- what he said, something about a file. I
11 don't see the word "file" there.

12 BY MR. STARR:

13 **Q. So the second line there is a word that**
14 **I don't know if it's "US," or I don't know what**
15 **that first word is.**

16 A. I don't know what that is.

17 **Q. But then it looks like it says, I-N-V,**
18 **period.**

19 A. Correct.

20 **Q. And then it looks like, F-I-L-E.**

21 A. I don't get that out of it.

22 MR. COYNE: Objection, foundation as to that
23 interpretation.

24 BY MR. STARR:

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1 **Q. Do you have a file relevant to this**
2 **case?**

3 A. No. No, sir.

4 **Q. Okay.**

5 A. No, not at all.

6 **Q. If that does say "file," do you know**
7 **why someone would write a note about you**
8 **retaining the file in 2020?**

9 MR. COYNE: Objection, foundation,
10 speculation.

11 MS. MORRISON: Join.

12 BY THE WITNESS:

13 A. No clue what that's about.

14 BY MR. STARR:

15 **Q. Well, let me ask you this: Between**
16 **2015 and when you were assigned to this case in**
17 **2020, did you work on this case at all?**

18 A. I only remember this case doing a few
19 lookups and doing a -- our girl here,
20 Ms. Friend; our friend, Ms. Friend.

21 **Q. Who were the lookups you did?**

22 A. I don't recall.

23 **Q. And --**

24 A. I remember them floating around. I --

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1 somebody else could have done them, but this --
2 the only thing I remember doing regarding this
3 case, now that my memory has been refreshed with
4 the e-mail, is down there -- in the case, we had
5 to go find this guy or we thought -- I forget
6 who it was.

7 **Q. Terry Rogers.**

8 A. Terry Rogers may or may not have been
9 in Mississippi and the interview of our friend,
10 Ms. Friend.

11 **Q. Well, I'll represent to you that these**
12 **are State's Attorney notes that we are looking**
13 **at right now.**

14 A. Well, I don't know what they are.

15 **Q. No. I'm telling you that's what**
16 **they've been produced as.**

17 A. Okay.

18 **Q. And I'm --**

19 MR. HOLMES: And I'll object to counsel's
20 characterization in that there has been a
21 document production, but I'm not aware of any
22 such characterization of individual notes and
23 who made them by our office.

24 MR. STARR: Well, I could be wrong, but I --

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1 my understanding is these were produced subject
2 to subpoena and that these are State's Attorney
3 files that were produced to us including
4 handwritten notes. So I don't know if that
5 clarifies the record or not.

6 BY THE WITNESS:

7 A. I'm not sure I'm following any of you
8 characters right now.

9 BY MR. STARR:

10 **Q. Fair enough.**

11 **I'm just wondering if you have any idea**
12 **what this could be referring to.**

13 A. No.

14 **Q. Why in 2020 the State's Attorney -- a**
15 **State's Attorney would be suggesting that you**
16 **would have any sort of documents related to this**
17 **case --**

18 MR. COYNE: Objection, foundation and
19 speculation.

20 MR. HOLMES: Same objection as noted a moment
21 ago concerning counsel's characterization of the
22 document and the --

23 THE WITNESS: You talk faster than him.

24 I don't have any clue about any of it.

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1 BY MR. STARR:

2 Q. Did anybody reach out to you in 2020
3 about the Fletcher case?

4 A. No.

5 Q. And it would be -- after you were done
6 investigating Ms. -- or sorry. Strike that.

7 After you were done interviewing
8 Ms. Friend, do you remember anybody
9 communicating anything to you in this case until
10 you were informed you got a subpoena?

11 A. As I sit here right now, I don't
12 remember anything about it other than our
13 friend, Ms. Friend. I mean, that's --

14 Q. Okay. I want to flip ahead to page
15 230, on the bottom of 230. And I will indicate
16 to you that this is a duplicate of the document
17 we just looked at. I think it's a better copy,
18 and I want to ask you, do you think it says
19 "investigative file" on this copy?

20 A. Where are we at?

21 Q. 230.

22 MR. COYNE: Yeah. This is 230. So you want
23 to keep going.

24 THE WITNESS: Maybe I better look back.

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1 MR. COYNE: It's not in order. No. That's
2 all right. So keep going.

3 THE WITNESS: There it is.

4 MR. COYNE: There it is. Right there.

5 THE WITNESS: Okay.

6 MR. COYNE: Does it -- 230? Does that say
7 230?

8 THE WITNESS: 230, yeah.

9 BY MR. STARR:

10 Q. It seems like it's a better copy to me.

11 Do you see --

12 A. This is better than the other one.

13 Q. Yeah.

14 Do you see the same information that we
15 were looking at --

16 A. Yeah.

17 Q. -- a moment ago?

18 A. Yeah. Branni- -- someone spoke --

19 Brannigan. Brannigan will return us [sic].

20 It -- oh, I think I can make out "investigative
21 file." I can't read the rest of it.

22 Q. Okay.

23 A. Something in the future.

24 Q. And it does appear to say

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1 "investigative file" on that second line,
2 though, right?

3 A. Pardon me?

4 Q. It does appear to say "investigative
5 file"?

6 A. File, yeah.

7 Q. And do you have any idea why the
8 State's Attorney -- a State's Attorney would
9 think that you have the investigative file in
10 this case?

11 MR. COYNE: Objection, foundation,
12 speculation.

13 BY THE WITNESS:

14 A. Yeah, because we --

15 MR. HOLMES: I'll just object to counsel's
16 characterization of the document as to who wrote
17 the notes, once again.

18 THE WITNESS: Okay. What did you say?

19 MR. HOLMES: Mr. Brannigan, I'm just
20 objecting to Mr. Starr's characterization of the
21 author of the handwritten notes, because that
22 hasn't been established just on the basis of the
23 production --

24 THE WITNESS: Okay.

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1 MR. HOLMES: -- by our office of this
2 document.

3 THE WITNESS: Okay. So answer this as best I
4 can.

5 BY MR. STARR:

6 Q. Yeah, the best you can.

7 A. Okay. What's the question now?

8 Q. The question is, and do you have any
9 idea why someone at the State's Attorney's
10 Office made notes suggesting that you had the
11 investigative file in 2020?

12 A. It may have been in our office
13 somewhere. It may have been in another State's
14 Attorney's Office. I don't know what they
15 meant, their file, or the State's Attorney's
16 file. But oftentimes we would transport
17 documents and files back and forth to the CIU
18 offices down at the Daley Center. It would be
19 nothing more than a mail run, for lack of a
20 better term.

21 Q. So you may have had the investigative
22 file in 2020; is that correct?

23 A. I may have had it to deliver. And I
24 don't know if it was a State's Attorney file,

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1 the investigator's file, or what it was. I -- I
2 could not speculate on anything.

3 **Q. And you don't have that file today; is**
4 **that correct?**

5 A. I don't know what kind of file -- I
6 don't know what file it is, and I know I don't
7 have any file.

8 **Q. Okay. And let's look at another page**
9 **in this packet, 239 at the bottom.**

10 MR. COYNE: Four pages more.

11 THE WITNESS: 239?

12 MR. STARR: Yeah.

13 MR. COYNE: It's an investigator request
14 form.

15 THE WITNESS: 239. Okay. Okay. Okay.
16 Okay.

17 BY MR. STARR:

18 **Q. Do you see that?**

19 A. Yep, there it is.

20 **Q. And that's a -- I think we were -- you**
21 **were asked some questions earlier and you gave**
22 **some testimony about an investigator request**
23 **form.**

24 **This is the type of form that you**

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1 **received when you were assigned a case; is that**
2 **correct?**

3 A. That's correct.

4 **Q. Okay. There is not a previous**
5 **investigator assigned there.**

6 **Do you see that? It's blank?**

7 A. Previous. That is blank, yeah.

8 **Q. And the date of this is 8/29/14, which**
9 **is August of 2014, right?**

10 A. Correct.

11 **Q. Do you know if you received this**
12 **document?**

13 A. Did I what?

14 **Q. Did you ever receive this document from**
15 **State's Attorney Galassini or however you say**
16 **her name?**

17 A. Did I ever receive this document?

18 **Q. Yeah.**

19 A. No. I have never seen this document.

20 **Q. Okay.**

21 A. Or I have never seen this before. It's
22 obviously not been assigned to anybody or
23 anything.

24 **Q. The type of request is to locate a**

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1 **victim witness named Terry Rogers, right?**

2 A. Oh, yeah, locate a witness named Terry
3 Rogers.

4 **Q. Okay. And you testified you may have**
5 **tried to locate him at some point based on that**
6 **e-mail we looked at, right?**

7 A. Yeah. I -- it must have. Hold on. I
8 don't want to speculate. I would guess that
9 this -- yeah. All right. Go ahead.

10 THE COURT REPORTER: I would guess?

11 BY THE WITNESS:

12 A. I would guess that this may have been
13 the document that sent me out after Terry
14 Rogers, but I don't know that for a fact.

15 BY MR. STARR:

16 **Q. Okay. You can flip to the next page,**
17 **241.**

18 A. Okay.

19 **Q. And this is another investigator**
20 **request form, correct?**

21 A. Yep.

22 **Q. And your name is on this form, correct?**
23 **It says, "previous investigator assigned, Danny**
24 **Brannigan."**

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1 A. Yep.

2 Q. Okay. And this is a request to locate
3 a witness by the name of Sheenee Friend,
4 correct?

5 A. Correct.

6 Q. In the explanation summary, it says,
7 "Locate and interview witness regarding attached
8 affidavits." And then I think it says LNA for
9 last known address is 52 North Parkside,
10 Chicago, Illinois.

11 Do you read that that way?

12 A. Wait. Okay. Yeah.

13 Q. And it also indicates that she is a
14 defense witness on this form, too, under type of
15 request, right?

16 A. That she is what?

17 Q. A defense witness.

18 A. Correct.

19 Q. Okay. Did you receive this document
20 when you were assigned this case?

21 A. I don't know.

22 Q. Does the fact that it says "previous
23 investigator assigned" indicate to you that this
24 is a new request for someone to go out and talk

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1 **to Ms. Friend after you already interviewed her?**

2 A. Not necessarily, no.

3 **Q. What does that previous investigator --**

4 A. It might -- it might be I was -- go
5 ahead.

6 **Q. No. Go ahead. You're right. I**
7 **interrupted you.**

8 A. Does this indicate what?

9 **Q. Does this indicate to you that this is**
10 **a new request for a new investigator to go out**
11 **and interview Ms. Friend?**

12 A. I don't know who was assigned this.
13 There is no name of who was assigned on the
14 bottom.

15 **Q. Right. But in the category that says**
16 **"previous investigator" is your name.**

17 **Do you see that?**

18 A. Yes. I see that.

19 **Q. Does that tell you that this is a new**
20 **request for a new investigator?**

21 A. I don't know what it would say. It
22 could be I am one of the investigators assigned.
23 They got to fill in the blanks or it don't
24 get -- it doesn't get processed.

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1 **Q.** So that doesn't indicate anything in
2 particular there?

3 A. No.

4 **Q.** Okay. Let's look at 242 -- or 247, the
5 next page.

6 It's another investigator request form,
7 correct?

8 A. Yeah.

9 **Q.** This one is to locate a witness, a
10 defense witness, by the name of Edward Cooper.

11 Do you see that?

12 A. Yep.

13 **Q.** And it says under the explanation
14 summary, "Locate and interview witness regarding
15 attached affidavit." Do you see that?

16 A. Yes, sir.

17 **Q.** And this one says, "Previous
18 investigator assigned, Danny Brannigan."

19 A. Same thing.

20 **Q.** Yeah.

21 A. It could have been me. It could be
22 somebody else --

23 **Q.** Do you --

24 A. -- that actually went out on this.

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1 **Q. Do you remember being assigned to**
2 **interview --**

3 A. I remember being assigned --

4 THE COURT REPORTER: Sorry. Do you
5 remember --

6 BY MR. STARR:

7 **Q. -- being assigned to interview Edward**
8 **Cooper?**

9 A. Not specifically, no.

10 **Q. Do you know if you ever did interview**
11 **Edward Cooper?**

12 A. Did I ever interview him? I don't
13 believe so, no.

14 **Q. And then the last one is the next page,**
15 **which is a little hard to see in the font, but**
16 **it says -- and it's been Bates'd 250.**

17 A. Yes, sir.

18 **Q. And, again, your name is on here as the**
19 **previous investigator assigned, correct?**

20 A. Correct.

21 **Q. And, again, this is an investigator**
22 **request form?**

23 A. Correct.

24 **Q. And the request is to locate another**

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1 **defense witness by the name of Emmett Wade.**

2 **Do you see that?**

3 A. Correct.

4 **Q. And then in the explanation summary it**
5 **says, "Locate and interview witness regarding**
6 **attached affidavit."**

7 **Do you see that?**

8 A. Correct.

9 **Q. Do you remember being assigned to**
10 **investigate Emmett Wade?**

11 A. No. I may have, but I don't remember.

12 **Q. Did you ever interview Emmett Wade?**

13 A. Not that I recall, no.

14 **Q. Did seeing these four different forms,**
15 **three of them having your name on them, one**
16 **not --**

17 A. Mm-hmm.

18 **Q. Do any of these forms refresh your**
19 **recollection of anything you did on this**
20 **investigation?**

21 A. No. Just that these people were all
22 part of the case, but the only one I remember
23 working on was our friend, Ms. Friend.

24 **Q. Okay. And then there is one more I**

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1 neglected. I thought that was the last one.

2 There is actually one more in the same sequence.

3 It's Bates 257.

4 And this is an investigator request
5 form, correct?

6 A. Yes, sir.

7 Q. And this is a previous investigator
8 listed -- or assigned is listed as Danny
9 Brannigan, right?

10 A. Right.

11 Q. And this is to interview a witness, but
12 "defense" is crossed out.

13 Do you see that?

14 A. Correct.

15 Q. And that witness is named Terry Rogers,
16 a/k/a June Rogers, correct?

17 A. Correct.

18 Q. And the explanation summary just gives
19 an address in Mississippi, correct?

20 A. Correct.

21 Q. And I think I have already asked you
22 this in some form, but seeing this document,
23 does that refresh your recollection of whether
24 or not you ever interviewed Mr. Rogers?

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1 A. No. I don't believe I interviewed
2 Mr. Rogers.

3 **Q. And you referred to the James Fletcher**
4 **case as the "big lips caper"; isn't that**
5 **correct?**

6 A. That is correct.

7 **Q. And do you remember using that as**
8 **the --**

9 A. Yeah.

10 **Q. -- the term that you referred to him**
11 **as --**

12 A. Yeah.

13 **Q. Why did you call this case the "big**
14 **lips caper"?**

15 A. That was --

16 MR. HOLMES: Can we just lay the foundation
17 of when the witness is alleged to have
18 previously referred to him as such?

19 MR. STARR: I mean, I asked him if he --
20 that's what he referred to and he said yeah.

21 MR. HOLMES: But I would like to establish
22 when, how, or where.

23 THE WITNESS: Okay. Say it again.

24 MR. HOLMES: The attorney is asking you a

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1 question about your recollection of an event
2 that he hasn't described a date, a context, or a
3 venue or forum. So he is asking if you remember
4 something that he hasn't described except using
5 three words, and so it wasn't clear to me what
6 counsel was asking about.

7 But if you understand, Mr. Brannigan,
8 you can answer.

9 BY THE WITNESS:

10 A. Okay. Start over.

11 MR. STARR: Could you read the question back?

12 (Whereupon, the record was read
13 as requested.)

14 BY MR. STARR:

15 Q. Or why did you call this the "big lips
16 caper"?

17 A. Because Fletcher has big lips, and
18 somewhere along the line I remember that one of
19 his -- I don't know if it -- I can't remember
20 where it came from, but Fletcher said that he
21 couldn't be the offender because he's got big
22 lips and nobody would have missed him. I think
23 that's how it came about, and he has big lips.

24 Q. Where did you learn that information,

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1 **sir?**

2 A. I can't tell you. I wouldn't remember.
3 I just remember that came up. Here. You can
4 see there was a bit of paper going back and
5 forth, and somewhere along the line I remember
6 hearing it. Fletcher said that -- something to
7 the effect of he -- he couldn't be the bad guy
8 because he's got big lips, and somebody would
9 have picked him out. And he has big lips, so
10 hence the "big lips caper."

11 **Q. When you say there was a bunch of paper**
12 **going back and forth, what are you referring to?**

13 A. Like those four requests to look up --
14 the four or five, whatever they were.

15 **Q. Did you see anything on -- anywhere on**
16 **those papers to indicate that the case was**
17 **called the "big lips caper"?**

18 A. Pardon?

19 **Q. Was there anything in those -- maybe --**

20 A. No. You asked me.

21 THE COURT REPORTER: Sorry?

22 BY MR. STARR:

23 **Q. So you just said that there was paper**
24 **going back and forth that's --**

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1 A. Right. On the case.

2 **Q. Yeah.**

3 A. And I'm aware of the case.

4 **Q. Yeah.**

5 A. And I was assigned eventually to locate
6 our friend, Ms. Friend, and in reviewing
7 documents or talking to somebody, I remember
8 something coming up that Fletcher claimed he
9 couldn't be the offender because he had big
10 lips.

11 **Q. But when you said that there was paper**
12 **going back and forth, you were referring to**
13 **investigator request forms?**

14 A. Yeah, investigator request forms. And
15 I remember that all that paper was around, and I
16 can't remember -- I don't think we went right
17 out. Look at the dates again. I don't believe
18 we went right out to go look for him. It may
19 have got put on a back burner or something.

20 **Q. But there's nothing in these four**
21 **investigative -- five investigative reports to**
22 **indicate that anyone called the case the "big**
23 **lips caper," is there?**

24 A. I didn't -- I didn't say there was

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1 something in this paperwork.

2 **Q. Oh, that was --**

3 A. I remember a conversation that part of
4 the -- I guess you could say alibi -- was that
5 Fletcher said he had big lips and nobody would
6 mistake that.

7 **Q. So you didn't see that in a document.**
8 **You learned that in a conversation?**

9 A. That's correct. I've said it a couple
10 times. It was a conversation.

11 **Q. Okay. Who was the conversation with?**

12 A. I don't -- I don't remember. I just
13 remember it was out there.

14 **Q. Could it have been a conversation you**
15 **had with Edward Cooper?**

16 MR. COYNE: Objection, foundation,
17 speculation.

18 BY THE WITNESS:

19 A. I don't know.

20 BY MR. STARR:

21 **Q. If I told you that Edward Cooper in the**
22 **civil case in his deposition like you are giving**
23 **today testified that the detectives told him**
24 **"remember the big lips" when he went to the**

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1 **lineup, would that possibly refresh your**
2 **recollection as to where you learned the "big**
3 **lips" reference?**

4 A. I have -- I have no idea where that
5 came from.

6 **Q. Could it be that?**

7 A. No.

8 MS. WEST: Speculation.

9 BY THE WITNESS:

10 A. I never talked to any of the detectives
11 involved in the case.

12 BY MR. STARR:

13 **Q. Well, I guess I didn't -- I wasn't**
14 **representing the detectives. I was talking**
15 **about Mr. Cooper himself.**

16 **Mr. Cooper has testified that the**
17 **police told him to remember the big lips when he**
18 **went to view a lineup back in 19- -- or back in**
19 **2002, and I'm wondering if that information is**
20 **where you got the big lips from.**

21 MS. WEST: Objection, foundation,
22 speculation.

23 BY THE WITNESS:

24 A. No clue.

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1 BY MR. STARR:

2 Q. Well, if I represent to you that I'm
3 not aware of any other document that contains
4 information about Mr. -- Mr. Fletcher's big
5 lips --

6 A. Say it again.

7 Q. If I represent to you that I'm not
8 aware of any other document that contains
9 information about Mr. Fletcher's big lips other
10 than your handwritten document -- note --

11 A. Yeah.

12 Q. -- and Mr. Cooper's testimony in this
13 case, can you point me to any other place where
14 you may have learned about the "big lips caper"?

15 MR. COYNE: Objection, form, foundation,
16 asked and answered, and requires speculation.

17 MS. WEST: And it misstates the evidence in
18 the record.

19 BY THE WITNESS:

20 A. Okay. Somewhere in a conversation
21 about the case or seeing a photo or a
22 combination of the two or seeing the photo it
23 was something about -- and that's how I said
24 it -- something about Fletcher having big lips.

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1 Either he couldn't -- he -- he is the one or he
2 couldn't be the one because he has big lips,
3 either way. I can't remember exactly what it
4 was, hence the name "big lips."

5 BY MR. STARR:

6 Q. Do you remember asking whether or
7 not -- strike that.

8 Do you remember whether you asked
9 Ms. Friend if she recognized Ms. Fletcher's big
10 lips?

11 A. No, I did not.

12 Q. Okay. On the bottom of this same page
13 that we were just looking at, 283 --

14 A. Wait. What now?

15 Q. 283.

16 A. Who?

17 Q. 283.

18 A. Okay.

19 Q. This note on the bottom -- you are
20 looking at the redacted one, I think. That's
21 the wrong one.

22 MR. COYNE: This one.

23 This is the one, right?

24 MR. STARR: Yeah.

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1 MR. COYNE: This is the one.

2 THE WITNESS: Okay.

3 MR. COYNE: 283.

4 THE WITNESS: Okay.

5 MR. COYNE: So do you want to -- do you want
6 to just look at mine?

7 THE WITNESS: Okay.

8 MR. COYNE: The bottom part?

9 MR. STARR: Yeah, the bottom part.

10 MR. COYNE: Why don't you look at the bottom
11 part.

12 THE WITNESS: Okay.

13 BY MR. STARR:

14 Q. It says, "Have contacted MS. Will
15 cooperate as expected."

16 Do you see that?

17 A. Yep. Yes, sir.

18 Q. Does that indicate to you that you
19 had -- you had at that point contacted someone
20 in Mississippi to find Mr. Rogers?

21 MR. COYNE: I just note an objection to
22 foundation.

23 BY THE WITNESS:

24 A. Yeah. Some -- it -- that seems -- that

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1 appears to be that there is someone in
2 Mississippi. I was given a contact person in
3 Mississippi, if I had to go down there.

4 BY MR. STARR:

5 Q. That was my next question.

6 So that indicates to you that someone
7 in Mississippi would cooperate with you or that
8 Mr. Rogers would cooperate?

9 A. No. That someone in Mississippi would
10 cooperate to go find.

11 Q. Okay. And then the -- back to the "big
12 lips caper," was that what internally at the
13 State's Attorney's Office you referred to this
14 case now as?

15 A. Wait. What?

16 Q. Did you refer to this case internally
17 within the State's Attorney's Office as --

18 A. That's what I referred to it. I don't
19 know that anybody else said it. I just know
20 that I referred to it.

21 Q. Do you know if this note went -- who
22 this note went to?

23 A. Which note are you --

24 Q. The same one we were just looking at.

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1 MR. COYNE: This one right here.

2 Are you talking about the top note?

3 BY MR. STARR:

4 Q. I'm talking about essentially the whole
5 page. I think you testified that you wrote it.

6 Do you know who it went to --

7 A. No. I --

8 Q. -- or who you gave it to?

9 A. This was probably a note to myself and
10 then flipped to a State's Attorney or something.
11 It -- because I see here it says Edward Cooper.
12 I think he is the bread truck driver. Okay. It
13 tells me that. See? He -- one of the guys
14 involved. Dixon, Fletcher, it's on the --
15 that's the name of the case, Fletcher. I don't
16 know what that phone number is. And then
17 possibly Mississippi or go to Mississippi. If I
18 have to go to Mississippi, I have got a contact.
19 That's a note to myself, probably.

20 Q. Yeah. And so seeing the "big lips"
21 reference next to the Edward Cooper, does that
22 indicate to you anything that maybe Mr. Cooper
23 told you?

24 MR. COYNE: Objection, foundation,

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1 speculation.

2 BY THE WITNESS:

3 A. No, not at all. I don't recall that I
4 ever talked to Mr. Cooper or ever found him.

5 BY MR. STARR:

6 Q. I will represent to you that that's his
7 current address still to this day.

8 Do you remember going out to that
9 address?

10 A. Going -- going there to Mr. Cooper?

11 Q. Yeah.

12 A. No. I do not recall --

13 Q. Okay.

14 A. -- going to Mr. Cooper.

15 Q. And then turning to the last page of
16 this packet, it's 347. Is that the last page of
17 that one?

18 A. Which one?

19 MR. STARR: 347. I thought I had another
20 copy.

21 MR. COYNE: No, there isn't.

22 MR. STARR: Okay. Then --

23 MR. COYNE: 284 --

24 MS. WEST: 347?

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1 MR. STARR: Yeah.

2 MS. WEST: This?

3 MR. STARR: Yeah.

4 MR. COYNE: And 347?

5 MS. WEST: Just the first page of that
6 affidavit?

7 MR. STARR: Yeah.

8 MS. WEST: Okay.

9 MR. COYNE: Which one do you want?

10 MR. STARR: It's the last page in the packet.

11 MR. COYNE: Okay. Got it. Got it.

12 MR. STARR: And I do have an extra one of
13 these if you want it.

14 THE WITNESS: Do I have this now?

15 MR. COYNE: Yeah. Here it is. It's your
16 last -- it should be the last page of that
17 packet.

18 MR. COYNE: Hang on here.

19 This is, what, Group Exhibit 12,
20 correct?

21 MS. WEST: Yeah.

22 (Whereupon, Brannigan Deposition
23 Exhibit No. 12 was marked for
24 identification.)

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1 MR. COYNE: 12. This is 12.

2 THE WITNESS: Right. Here is part of it.

3 MR. COYNE: Yeah, here. Give me -- pardon my
4 reach. This right here.

5 THE WITNESS: Okay.

6 MR. COYNE: That's the page he is on.

7 THE WITNESS: All right.

8 BY MR. STARR:

9 Q. All right. Let me know when you've had
10 a chance to review that one page, 347.

11 A. I've got it right here.

12 Q. Okay. And so this is a -- it appears
13 to be the first page of that declaration that we
14 looked at in Exhibit No. 2, correct?

15 A. Correct.

16 Q. And then there is what appears to be a
17 Post-It note that was on this first page that's
18 copied on -- into it.

19 Do you see that?

20 A. Yeah.

21 Q. In the top left-hand corner?

22 A. Yes, sir.

23 Q. Okay. Do you see that -- those -- is
24 this your handwriting, sir?

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1 A. I'm sorry?

2 **Q. Is this your handwriting?**

3 A. It appears to be my handwriting, yes,
4 sir.

5 **Q. Is it DB?**

6 A. And my initials, yes, sir.

7 **Q. Yeah.**

8 **Now, do you know what the first three**
9 **initials there or the first two initials are?**

10 A. Yes, sir.

11 **Q. What are they?**

12 A. N, G as in George, A.

13 THE COURT REPORTER: A, you said?

14 THE WITNESS: A as an apple.

15 BY MR. STARR:

16 **Q. And who does that indicate to you?**

17 A. That would -- that would be Nancy
18 Galassini. I believe she --

19 **Q. Okay. So you were writing her a note?**

20 A. Just, yeah, letting her know that we --
21 we found this witness.

22 **Q. Okay. And so you write, "Fletcher**
23 **a/k/a big lips caper. Another new Friend, pun**
24 **intended. Rpt to follow, DB"; is that correct?**

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1 A. That's correct.

2 **Q. And it looks like it's dated at the top**
3 **there of the handwritten Post-It note, 3/5/15.**

4 Do you see that?

5 A. That's correct.

6 **Q. And that would be the day that you got**
7 **the statement from -- the interview of**
8 **Ms. Friend, correct?**

9 A. Yes, sir.

10 **Q. And so do you -- did Ms. Adduci know**
11 **what the "big lips caper" was?**

12 MR. COYNE: Objection, speculation.

13 BY THE WITNESS:

14 A. How could she not? It says Fletcher.

15 BY MR. STARR:

16 **Q. I don't know.**

17 I mean, do you know?

18 A. It says Fletcher. I think she would
19 know.

20 **Q. She --**

21 A. I think she would know. Maybe she
22 didn't. But I would assume she would, because I
23 put his name there, Fletcher, a/k/a "big lips."

24 **Q. Prior to this -- writing this note, had**

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1 **you ever talked to Ms. Adduci and referred to**
2 **the Fletcher case as the "big lips caper"?**

3 A. I may have. I don't recall.

4 **Q. And do you recall Ms. Adduci ever**
5 **referring to the Fletcher case as the "big lips**
6 **caper"?**

7 A. No. I don't -- I don't recall. It's
8 pretty much my -- my term for the case.

9 **Q. And was there any connotation that you**
10 **could think of -- or strike that.**

11 **Is there any connotation that you**
12 **intended when you dubbed the Fletcher**
13 **post-conviction investigation the "big lips**
14 **caper"?**

15 MR. COYNE: Objection, form.

16 BY THE WITNESS:

17 A. Any what?

18 BY MR. STARR:

19 **Q. Any connotation that you were intending**
20 **by that term?**

21 A. Any what?

22 MR. COYNE: Connotation.

23 BY MR. STARR:

24 **Q. Was there any connotation --**

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1 A. Oh, connotation?

2 Q. Yeah.

3 A. He had big lips.

4 Q. Okay. Anything beyond that?

5 A. If he had a big -- if he had a big
6 head, I might have called him bucket head.

7 Q. Okay. Anything beyond that?

8 A. No.

9 Q. You are -- you are familiar with the
10 fact that the African-American black community
11 has for years been made fun of because of the
12 size of their lips, correct?

13 MR. COYNE: Objection, form and foundation
14 and speculation.

15 BY THE WITNESS:

16 A. It doesn't bother me one way or the
17 other.

18 BY MR. STARR:

19 Q. I'm --

20 A. Those are Fletcher's words as far as I
21 remember.

22 Q. Okay. But you don't remember where you
23 learned that, though, right?

24 A. No. I just remember --

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1 MR. COYNE: Objection, asked and answered.

2 BY THE WITNESS:

3 A. -- it came up somewhere in conversation
4 and he has big lips, and if I'm giving a
5 description of him, I'd say big lips. And I
6 think -- well, never mind.

7 BY MR. STARR:

8 Q. Do you know if any of the witnesses
9 gave the description of the shooter as someone
10 who had big lips?

11 A. The only one I remember talking to is
12 Friend, and -- Friend, our friend. And, again,
13 I don't remember discussing that with her.

14 Q. That's fair.

15 A. I don't remember discussing any other
16 witnesses or talking to any other witnesses.

17 Q. But based on your review of the trial
18 file, do you remember learning at any point in
19 time that any of the witnesses at any point in
20 time ever described the shooter in the Willie
21 Sorrell homicide as having big lips?

22 A. I didn't talk to any other witnesses as
23 far as I know other than Ms. Friend.

24 Q. I'm not asking about whether you talked

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1 to them.

2 I'm asking when you reviewed the trial
3 file whether or not you learned it.

4 A. I don't remember where I learned it,
5 and I didn't read the whole trial file, but
6 somewhere I picked up on the big lips and the
7 fact the photo -- and he's got big lips in the
8 photo.

9 Q. It's late in the day, and I think
10 we're talking --

11 THE COURT REPORTER: Sorry. There was a
12 horn. Could you repeat that?

13 BY THE WITNESS:

14 A. Somewhere in reviewing the file or the
15 documents I see a photo of Fletcher where
16 Fletcher has big lips. There's somewhere I
17 picked up on it. That's all.

18 BY MR. STARR:

19 Q. And I think it's late in the day, and
20 we are talking past each other.

21 What my question is, is did you at any
22 point in reviewing the file ever -- ever learn
23 that any of the witnesses ever said that the
24 shooter had big lips?

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1 A. No. I don't recall that.

2 MR. STARR: Okay. I just have a few more
3 questions for you, and we will get out of your
4 way.

5 (Whereupon, a discussion was had
6 off the record.)

7 BY MR. STARR:

8 **Q. Sir, during your McIntosh deposition,**
9 **you testified that you recalled certain**
10 **instances in which you believed -- are you**
11 **following along?**

12 A. Say that --

13 **Q. Yeah. Let me just start again. You**
14 **can put that document aside.**

15 **When you were previously deposed in the**
16 **McIntosh case, you testified that you recall**
17 **certain instances in which you believe based on**
18 **your investigation with the State's Attorney's**
19 **Office that there was a person who was innocent**
20 **that you had -- in a case that you were**
21 **investigating.**

22 **Do you recall that testimony?**

23 MR. COYNE: Objection. First of all, I want
24 to renew my motion for a protective order,

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1 number 1. Number 2, I do believe that the
2 witness in all fairness should be given a copy
3 of his transcript if he is going to be asked
4 questions about his testimony.

5 MR. HOLMES: Well, this is -- this is clearly
6 outside the scope of what her Honor outlined in
7 her order resolving Ms. Coyne's motion.

8 MR. STARR: No. It's not.

9 MR. HOLMES: It clearly is, because what she
10 stated was the -- what her Honor stated in the
11 order was that questions concerning the McIntosh
12 deposition transcript would be permitted to the
13 extent they were asking about policies and
14 procedures of the office, which that question
15 does not.

16 MR. STARR: And I disagree with that.

17 MR. HOLMES: And it's clearly outside the
18 scope.

19 MR. STARR: No. It's not.

20 MR. COYNE: Can you give me one -- I just
21 need a five-minute break.

22 MR. STARR: Okay.

23 MR. COYNE: Because I need to take a look at
24 that, and --

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1 MR. STARR: Okay.

2 (Whereupon, a short break was
3 taken.)

4 (Whereupon, the record was read
5 as requested.)

6 MR. COYNE: And before the witness answers,
7 in reference to the Court's ruling on July 8,
8 2024, Docket 158, in ruling on our motion for a
9 protective order filed on behalf of
10 Mr. Brannigan, the Court denied our motion for a
11 protective order, but did so with respect to the
12 following limitation: The Court reaches -- and
13 I'm quoting from the Court's order.

14 "The Court reaches this conclusion with
15 the understanding that Fletcher will not overly
16 rely on the McIntosh deposition, but will
17 instead use it only" -- I emphasize the word
18 only -- "as necessary to reference Brannigan's
19 prior testimony about CCSAO policies and
20 practices."

21 It's my interpretation, Sean, with all
22 due respect that your question is outside the
23 scope of that limitation that the Court placed
24 on this deposition. I'm happy to hear your

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1 response, but unless persuaded otherwise, I'm
2 going to instruct him not to answer in reliance
3 upon the Court's order.

4 MR. STARR: Wasn't there more to that? Do
5 you -- did you cut that short there?

6 MR. COYNE: No. I just -- I read from the
7 final paragraph before the conclusion.

8 MR. STARR: Read that last sentence for me
9 again if you don't mind.

10 MR. COYNE: Sure.

11 "The Court reaches this conclusion with
12 the understanding that Fletcher will not overly
13 rely on the McIntosh deposition, but will
14 instead use it only as necessary to reference
15 Brannigan's prior testimony about CCSAO policies
16 and practices."

17 MR. STARR: Okay. So you're going to
18 instruct him not to answer?

19 MR. COYNE: Pursuant to the Court's order,
20 I'm going to instruct him not to answer that
21 question.

22 MR. STARR: I'm going to state for the record
23 that it's unusual to rely on a motion that you
24 lost. But understanding that you are, I can't

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1 force an answer. And given it's Friday at 4:40,
2 I doubt that the judge is available. I'm going
3 to reserve my right to bring him back and ask
4 him these questions. And I'm going to go
5 through my questions, and you can make that
6 objection and make that instruction.

7 I can't force him to answer the
8 questions. I mean, I think I made it clear that
9 we intended to ask him some questions about his
10 prior testimony. I think the distinction that
11 was really made that was, like, the big
12 distinction had to do with asking him about the
13 McIntosh case, and I'm not asking about the
14 McIntosh case. I'm asking about his time --
15 during his time at the State's Attorney's Office
16 and his practices and the policies that governed
17 them. So I think that my questions are fair
18 questions.

19 MR. COYNE: Sure.

20 In response to that, the motion that I
21 filed was not just based on the McIntosh case.
22 It was based on referencing any other cases
23 other than the one at issue pursuant to Rule 26.
24 So I'm relying on -- and your disagreement may

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1 not so much be with me, Sean, as with Judge
2 Woods. That's her language. I am relying upon
3 the unequivocal language in her order and
4 instructing him not to answer.

5 MR. STARR: No. My dispute is with you.
6 It's with your interpretation of what that
7 means. I mean, she didn't lay out the set of
8 questions I can ask. I mean, I'm asking
9 questions about his understanding of policies
10 and his practices at the State's Attorney's
11 Office. I think it's well within the confines
12 of her denial of your motion, but, again, as I
13 said, like, I can't force your client to
14 testify. And you can instruct him all you want.
15 And, you know, if the judge deems your
16 instructions to be improper, then, you know, and
17 grants me leave to bring him back, I'm going to
18 bring him back.

19 MR. COYNE: Do what you got to do.

20 MR. STARR: Yeah.

21 MR. COYNE: Thank you.

22 BY MR. STARR:

23 **Q. Are you going to take your attorney's**
24 **advice and refuse to answer my question?**

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1 A. Yeah.

2 THE WITNESS: Do you want to get all that
3 stuff on the record, John? What the questions
4 are?

5 MR. COYNE: Well, I think we were on the
6 record as far as I understand.

7 THE WITNESS: Okay.

8 MR. COYNE: Yeah.

9 THE WITNESS: Okay. We got that?

10 THE COURT REPORTER: Correct.

11 MR. COYNE: You got that question, and you
12 got my instruction?

13 THE COURT REPORTER: Yes.

14 MR. COYNE: You got the answer and why and
15 the fact that it was reliant upon the Court's
16 order.

17 THE WITNESS: We got the question down?

18 MR. COYNE: Yeah.

19 THE WITNESS: The question is on the record,
20 right? Yeah. Okay.

21 MR. COYNE: Yeah. She took it.

22 BY MR. STARR:

23 **Q. Mr. Brannigan, you also testified**
24 **during the McIntosh deposition that you**

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1 **remembered at least one instance in which you**
2 **believe a number of people were innocent; is**
3 **that correct?**

4 MR. COYNE: Same objection. Same
5 instruction.

6 Don't answer the question based upon
7 the Court's ruling.

8 BY MR. STARR:

9 **Q. Are you going to take your attorney's**
10 **advice and refuse to answer my question?**

11 A. Yes, sir.

12 **Q. Do you recall any instances when you**
13 **were working at the State's Attorney's Office**
14 **where you thought somebody who you were**
15 **investigating was actually innocent?**

16 MR. COYNE: Same objection. Same
17 instruction.

18 MR. HOLMES: And similarly, on behalf of the
19 State's Attorney's Office, I instruct the
20 witness not to answer on the ground of the
21 deliberative process privilege.

22 MR. STARR: So let me get clarification of
23 that, because during the McIntosh deposition,
24 that same instruction was based on the fact that

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1 it was an ongoing investigation that was being
2 asked about. Is that the same status quo today?

3 MR. HOLMES: There are two issues here. The
4 first is that I -- I concur and agree with
5 Mr. Coyne's interpretation of Judge Wood's
6 order, in that policies and practices is a
7 bright line and that counsel taking the
8 deposition cannot back in -- attempt to back
9 into CCSAO practices and procedures by asking
10 Mr. Brannigan about individual cases and then
11 seeking to connect the dots up to policy and
12 practices.

13 So that's the first part of it. The
14 second part of it is that Mr. Brannigan's
15 subjective impressions of guilt and innocence in
16 relation to any specific case are encompassed by
17 the deliberative process privilege as
18 interpreted by the Northern District of Illinois
19 and on that -- on the basis of that privilege is
20 my objection and instruction.

21 MR. STARR: So my subjective interpretation
22 is that you just refused to answer the question.
23 Is that correct?

24 MR. HOLMES: I was not at the McIntosh

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1 deposition, Mr. Starr. And I'm here today for
2 the purposes of this deposition, and the
3 instruction I just gave stands.

4 MR. STARR: So is the instruction based on
5 the fact that it's an ongoing investigation is
6 my question. If you don't know the answer, you
7 don't know the answer, but it seems like a fair
8 question.

9 MR. HOLMES: I'm not going to answer the
10 question because I don't need to, because your
11 question is asking Mr. Brannigan for his
12 subjective impressions of guilt or innocence and
13 his -- those such very impressions are what are
14 protected by the deliberative process privilege.

15 MR. STARR: You guys are wild. All right.
16 Let's move forward.

17 BY MR. STARR:

18 Q. You specifically testified that you can
19 think of one of a number of -- one instance
20 where a number of people have been released and
21 you think they should have been and that it's
22 all related to one investigation.

23 Do you recall that testimony?

24 MR. COYNE: Same objection. Same

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1 instruction.

2 Also, I'm just going to ask again. We
3 have the transcript in front of us. If you
4 could refer to the individual testimony, I think
5 it would benefit immensely the effort to apply
6 the Court's ruling to these questions. So if
7 you're just going to do it, I can't tell you how
8 to ask your questions, Sean, but I'm just saying
9 that for purposes of our applying and my
10 applying the judge's ruling, it would help
11 immensely if you can refer to a specific page
12 and line number of the transcript since you have
13 it in front of me and I know you've read it.

14 MR. STARR: I appreciate that suggestion,
15 John.

16 Are you going to -- did you instruct
17 him not to answer?

18 MR. COYNE: Let me hear the question again,
19 please.

20 (Whereupon, the record was read
21 as requested.)

22 MR. COYNE: And you're referring -- just for
23 the record, you're referring to the -- his
24 testimony in McIntosh, correct?

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1 MR. STARR: Mm-hmm, yes.

2 MR. COYNE: All right. Yeah. I would
3 instruct him not to answer. I believe it's
4 outside the scope of the judge's ruling. It
5 does not have to do with prior testimony about
6 CCSAO policies and practices.

7 BY MR. STARR:

8 **Q. Are you going to take your attorney's**
9 **recommendation and refuse to answer my question?**

10 A. Yes, sir.

11 **Q. What case were you referring to when**
12 **you testified about that in the McIntosh dep?**

13 MR. COYNE: Same objection. Same
14 instruction.

15 BY MR. STARR:

16 **Q. Are you going to refuse to answer my**
17 **question, sir?**

18 A. Yes, sir. I will follow my attorney's
19 advice.

20 **Q. Were you referring to the Watts cases?**

21 MR. COYNE: Same objection. Same
22 instruction.

23 MR. HOLMES: And I would in this instance
24 also join on behalf of the State's Attorney's

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1 Office and instruct the witness not to answer on
2 the ground of the deliberative process
3 privilege.

4 BY MR. STARR:

5 **Q. Are you going to --**

6 MR. COYNE: I instruct you not to answer.

7 BY MR. STARR:

8 **Q. Are you going to --**

9 MR. COYNE: Well, there is two lawyers that
10 have instructed you.

11 BY THE WITNESS:

12 A. I will follow my attorneys' advice.

13 BY MR. STARR:

14 **Q. Okay.**

15 A. I have a hard time picking you up.
16 You're too far away.

17 MR. COYNE: Well, we both instructed you not
18 to answer --

19 THE WITNESS: Correctomundo.

20 MR. COYNE: -- just for the record.

21 THE WITNESS: I got it.

22 BY MR. STARR:

23 **Q. And when you were asked about that**
24 **during the McIntosh deposition, your attorney**

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1 **instructed you not to answer because it was an**
2 **ongoing investigation.**

3 **Do you remember that?**

4 MR. COYNE: Objection, form. I'm not sure I
5 follow that question, but --

6 BY THE WITNESS:

7 A. Say it again.

8 BY MR. STARR:

9 **Q. During the McIntosh deposition when you**
10 **were asked about the cases that you thought the**
11 **people were innocent on, your attorney**
12 **instructed you not to answer questions about it**
13 **because it was an ongoing investigation.**

14 MR. COYNE: Same objection. First of all, I
15 object to a lack of a reference to the
16 individualized testimony of this witness in the
17 transcript. I believe that makes it avoidably
18 hard for him to follow the question and the
19 reference to the testimony, which is right
20 before us, number 1.

21 Number 2, objection to form and
22 foundation.

23 And, number 3, that question also runs
24 afoul of the judge's ruling.

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1 MR. HOLMES: And so there's an instruction
2 not to answer?

3 MR. COYNE: Correct. I'm instructing you not
4 to answer the question.

5 THE WITNESS: Yes, sir.

6 BY THE WITNESS:

7 A. I'll follow my attorney's advice.

8 BY MR. STARR:

9 Q. Okay. I'm trying to find that for you,
10 John. I think it's on page 230 -- 203. I think
11 it starts on 203 generally. Okay.

12 So you were asked during the McIntosh
13 deposition, "I'm asking you about cases where
14 you conduct the investigation, and then you say,
15 'Boy, based on this investigation that I have
16 been involved with, I think this guy is
17 innocent.'" "

18 And your answer was, "I had something
19 on the tip of my tongue. There is some cases
20 right now that we are dealing with."

21 Do you recall being asked that question
22 and giving that answer?

23 MR. HOLMES: Objection.

24 MR. COYNE: Yeah. Same objection. Same

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1 instruction. I mean, he can -- it's in the
2 transcript.

3 BY MR. STARR:

4 **Q. It is.**

5 **You also testified during the McIntosh**
6 **deposition that there were "goofy cops out**
7 **there, coppers who were maybe no good."**

8 **Do you remember giving that testimony?**

9 MR. COYNE: Objection to that and instruct
10 him not to answer. And that is founded upon the
11 clear language of the judge's ruling.

12 BY MR. STARR:

13 **Q. Are you going to refuse to answer that**
14 **question, sir?**

15 A. I'm going to follow my attorney's
16 advice.

17 **Q. That was page 106, John?**

18 MR. COYNE: Yes. Thank you, by the way, for
19 the page references.

20 MR. STARR: Lines 5 through 10, I believe --
21 5 through 11.

22 MR. COYNE: I've got -- oh, I see. This
23 starts at the --

24 BY MR. STARR:

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1 **Q. Sir, during the McIntosh deposition,**
2 **you were -- you also gave some testimony about**
3 **how you believe that during your time at the**
4 **State's Attorney's Office you had reviewed --**
5 **you had reviewed post-conviction cases where**
6 **there had been some police officer misconduct**
7 **that had contributed to the wrongful conviction.**

8 **Do you recall that?**

9 MR. COYNE: Same objection and same
10 instruction. And that is based upon the judge's
11 ruling.

12 BY MR. STARR:

13 **Q. Are you going to refuse to answer my**
14 **question?**

15 A. Yes, sir, based on my attorney's
16 advice.

17 **Q. Do you believe it's possible for a**
18 **Chicago police officer -- strike that.**

19 **Do you think it's possible that a**
20 **Chicago police officer could ever unduly**
21 **influence an identification procedure?**

22 MR. COYNE: Objection, form, foundation,
23 incomplete hypothetical, requires speculation.

24 MS. WEST: Join.

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1 MR. COYNE: You can answer. I just objected
2 to --

3 BY THE WITNESS:

4 A. Say it again.

5 BY MR. STARR:

6 Q. Do you think it's possible for a
7 Chicago police officer to unduly influence a
8 witness identification during an identification
9 procedure?

10 MR. COYNE: Same objections.

11 MS. MORRISON: Join.

12 MS. WEST: Join.

13 BY THE WITNESS:

14 A. Okay. Do I answer?

15 MR. COYNE: You can.

16 BY THE WITNESS:

17 A. You could. Anything is possible, I
18 would say.

19 BY MR. STARR:

20 Q. Okay. During your career as a Chicago
21 police officer, did you ever become aware of a
22 police officer unduly influencing an
23 identification procedure?

24 A. I -- I don't have a recollection of

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1 anybody right now.

2 Q. Well, how about --

3 A. As I sit here right now.

4 Q. How about during your time as a State's
5 Attorney investigator, did you ever become aware
6 of a Chicago police officer who unduly
7 influenced an identification procedure?

8 MR. HOLMES: You said during his time as a
9 Cook County State's investigator?

10 On behalf of the office, I'd instruct
11 the witness not to answer on the ground of the
12 deliberative process privilege.

13 BY THE WITNESS:

14 A. I'm going to follow --

15 BY MR. STARR:

16 Q. You're going to refuse --

17 A. -- that attorney's advice.

18 Q. You are going to refuse to answer my
19 question? Okay.

20 If you had learned during your time as
21 a -- strike that. I already asked that. Never
22 mind.

23 During your time as a Cook County
24 State's Attorney -- strike that.

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1 **During your time in the Cook County**
2 **State's Attorney's Office as an investigator,**
3 **have you ever encountered any witnesses that**
4 **told you specifically that the Chicago police**
5 **had unduly or incorrectly or improperly**
6 **influenced their identification of a suspect?**

7 A. No. I recall of no -- nobody doing
8 that or telling me that.

9 **Q. If you were assigned to go out to**
10 **interview a witness who had given a statement**
11 **stating that they had been unduly influenced in**
12 **an identification procedure, would you have a**
13 **skepticism about their statement to that effect?**

14 MR. COYNE: Objection, form, foundation,
15 incomplete hypothetical, and requires the
16 witness to speculate.

17 MS. WEST: Join.

18 BY THE WITNESS:

19 A. Say it again.

20 BY MR. STARR:

21 **Q. Yeah. I'll ask it a different way.**
22 **Would you be skeptical of a witness who**
23 **said they gave a -- they identified somebody and**
24 **later recanted that identification?**

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1 MR. COYNE: Same objections.

2 MS. WEST: Join.

3 BY THE WITNESS:

4 A. Could I be skeptical?

5 BY MR. STARR:

6 **Q. Would you be.**

7 A. Would I be? I would question it.

8 **Q. Why would you question it?**

9 A. Because of what the person said.

10 **Q. So if somebody identified somebody**
11 **during the criminal proceedings and later**
12 **recanted that identification, you would**
13 **immediately be skeptical of that recantation; is**
14 **that correct?**

15 MR. COYNE: Same objections.

16 BY THE WITNESS:

17 A. Say that one again.

18 BY MR. STARR:

19 **Q. If somebody identified somebody during**
20 **the criminal proceedings who later recanted that**
21 **identification, would you be automatically**
22 **skeptical of that person?**

23 MR. HOLMES: Are you asking him generally?

24 MR. STARR: Yeah.

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1 MR. COYNE: Objection, form, foundation,
2 incomplete hypothetical, and requires
3 speculation.

4 MS. WEST: Join.

5 MS. MORRISON: Join.

6 BY THE WITNESS:

7 A. Just in general?

8 BY MR. STARR:

9 Q. Yeah.

10 A. If someone makes an identification and
11 then recants that identification, would I be
12 skeptical -- skeptical?

13 Q. Of that person, yes.

14 A. Of that recant?

15 Q. Yes.

16 A. I would question it certainly.

17 Q. And why would you question it?

18 A. Because you already made an
19 identification. I would like to find out what's
20 going on.

21 Q. If somebody identified somebody in the
22 criminal proceedings and later recanted and
23 said, "The reason I made the identification was
24 because the police made me make the

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1 **identification," would you be skeptical of that?**

2 MR. COYNE: Objection, form, foundation,
3 incomplete hypothetical, and requires
4 speculation.

5 MS. WEST: Join.

6 BY THE WITNESS:

7 A. I would be skeptical, but I would
8 certainly look into it.

9 BY MR. STARR:

10 **Q. Why would you be skeptical of that?**

11 A. You are recanting. You made an
12 identification. You are recanting, and now you
13 are saying that the police told you to do it.
14 It certainly bears looking into.

15 **Q. And in your career as either a Chicago**
16 **police officer or a Cook County State's Attorney**
17 **investigator, can you tell me the number of**
18 **times in which you encountered a witness who had**
19 **recanted an identification where you actually**
20 **believed them?**

21 MR. HOLMES: I'm sorry. Was this during his
22 career as a police investigator or as a State's
23 Attorney investigator?

24 BY MR. STARR:

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1 **Q. Both.**

2 MR. HOLMES: Oh, okay. Can Madam Court
3 Reporter read back the question?

4 THE WITNESS: Pardon me?

5 MR. HOLMES: I'm just asking the court
6 reporter to read back the question.

7 (Whereupon, the record was read
8 as requested.)

9 MR. HOLMES: So on behalf of the State's
10 Attorney's Office, I instruct the witness not to
11 answer that portion of the question that
12 pertains to, Mr. Brannigan, your time and
13 experience as a Cook County State's Attorney's
14 Office investigator. You can answer the
15 remainder of the question as it pertains to your
16 time and experience with the Chicago Police
17 Department.

18 BY THE WITNESS:

19 A. All right. Do I know just within the
20 boundaries of the Chicago Police Department and
21 my time there. Go ahead. Now to your question.

22 BY MR. STARR:

23 **Q. My question was broader than that.**

24 **I asked you, at any point in your**

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1 **career, have you ever encountered a witness who**
2 **made an identification during a criminal**
3 **proceeding and later recanted that**
4 **identification where you actually believed that**
5 **recantation?**

6 MR. HOLMES: Same objection and same partial
7 instruction as to the witness's time with the
8 Cook County State's Attorney's Office.

9 BY THE WITNESS:

10 A. Yes.

11 BY MR. STARR:

12 **Q. On how many occasions have you had that**
13 **experience?**

14 A. As I'm sitting here now, I can remember
15 one.

16 **Q. And what case was that, sir?**

17 MR. HOLMES: Same objection.

18 And this is limited to CPD time.

19 BY THE WITNESS:

20 A. It was a double homicide is all I can
21 remember right now.

22 BY MR. STARR:

23 **Q. Can you remember the name of the**
24 **defendant in the case?**

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1 A. I would have to look at something to
2 make sure I'm saying everything accurately.

3 **Q. Do you know whether the defendant in**
4 **that case was -- their conviction was**
5 **overturned?**

6 MS. MORRISON: Object to foundation,
7 speculation.

8 BY THE WITNESS:

9 A. I want to make sure that I'm getting it
10 right. I -- I can't answer the question right
11 now. I would have to look stuff up, because I
12 may misspeak.

13 BY MR. STARR:

14 **Q. Did your career as a Chicago police**
15 **officer in any way create any biases in terms of**
16 **your belief in witnesses who make recantations**
17 **in cases that involve the Chicago Police**
18 **Department?**

19 MR. COYNE: Objection, form, foundation,
20 speculation.

21 MS. WEST: Join.

22 MS. MORRISON: Join.

23 BY THE WITNESS:

24 A. Say that again.

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1 BY MR. STARR:

2 Q. Yeah.

3 Did your career as a Chicago police
4 officer create any biases in terms of your
5 belief in witnesses that make recantations that
6 involve the Chicago Police Department?

7 MS. WEST: Same objections.

8 MS. MORRISON: Join.

9 BY THE WITNESS:

10 A. I always try and be as objective as
11 possible. Sometimes there might be a subtle
12 bias built in that you don't even realize it. I
13 always try to be as objective as possible.

14 BY MR. STARR:

15 Q. Is that subtle bias that you referred
16 to based on your long distinguished career as a
17 Chicago police officer?

18 MR. COYNE: Objection. Please repeat his
19 last answer.

20 (Whereupon, the record was read
21 as requested.)

22 MS. WEST: I'd just object to misstates --

23 BY THE WITNESS:

24 A. Okay. Where are we at now? That was

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1 my answer.

2 MR. COYNE: Did you say subtle bias? Was
3 that your question? Subtle?

4 MR. STARR: I don't remember exactly what I
5 asked. It was -- I think I repeated what he
6 said. Maybe I -- maybe I didn't.

7 MR. COYNE: I'd just note an objection to
8 mischaracterizes his testimony and join
9 Allyson's objection.

10 But go ahead.

11 MR. STARR: I think I -- I think I asked --
12 maybe reread my last question. I apologize.

13 (Whereupon, the record was read
14 as requested.)

15 BY THE WITNESS:

16 A. That would be any bias that might be
17 there would be based on my career as a policeman
18 and just watching human nature in general. I am
19 now 77 years old, so I understand human nature,
20 and it can never surprise you.

21 BY MR. STARR:

22 **Q. Do you think that your bias may have**
23 **colored your interview with Ms. Friend?**

24 MR. COYNE: Objection, foundation,

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1 speculation.

2 MR. HOLMES: I -- on behalf of the State's
3 Attorney's Office, I'd instruct the witness not
4 to answer on the ground of the deliberative
5 process privilege.

6 BY MR. STARR:

7 Q. Are you going to refuse to --

8 A. I'll follow his instructions.

9 Q. Are you going to refuse to answer my
10 question?

11 A. Yes, sir.

12 Q. Okay. When you interviewed Ms. Friend,
13 you would have been aware that Mr. Fletcher was
14 making these allegations against the Chicago
15 police officers that investigated his case,
16 correct?

17 MR. COYNE: Objection, foundation.

18 BY THE WITNESS:

19 A. Correct.

20 BY MR. STARR:

21 Q. And you have a -- and this is an
22 assumption on my part, but tell me if I'm wrong.

23 You have a profound respect for Chicago
24 police officers and the work that they do,

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1 **correct?**

2 A. In general, yes.

3 **Q. And do you think it's possible your**
4 **profound respect for the Chicago police officers**
5 **may have impacted your interview with**
6 **Ms. Friend?**

7 MR. HOLMES: On behalf of --

8 MR. COYNE: Objection, foundation,
9 speculation.

10 Sorry, Cliff. Go ahead.

11 MR. HOLMES: No. I -- I just want to make
12 sure I -- because I'm at the other end of the
13 table, I'm always last to go.

14 On behalf of the State's Attorney's
15 Office, I instruct the witness not to answer on
16 the ground of the deliberative process
17 privilege.

18 BY MR. STARR:

19 **Q. Are you going to refuse to answer?**

20 A. I'm going to follow my attorney's
21 advice.

22 **Q. Are you going to refuse to answer that**
23 **question?**

24 A. Yeah.

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1 THE COURT REPORTER: You said yes?

2 BY THE WITNESS:

3 A. Yes. I'm going to follow my attorney's
4 advice and not answer the question.

5 BY MR. STARR:

6 **Q. Have you ever considered the**
7 **possibility that your biases may have influenced**
8 **the interview that you conducted with**
9 **Ms. Friend?**

10 MR. COYNE: Objection, form, foundation,
11 requires speculation, and just for the record,
12 the last instruction came not from your
13 attorney, but from the State's Attorney, the ASA
14 who represents the State's Attorney's Office,
15 just so we are clear on the record.

16 MR. HOLMES: And as to this question, on
17 behalf of the State's Attorney's Office, I
18 instruct the witness not to answer on the ground
19 of the deliberative process privilege.

20 BY MR. STARR:

21 **Q. Are you going to honor that instruction**
22 **and refuse to answer my question?**

23 A. Based on his advice, I'm not going to
24 answer the question.

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1 **Q. Do you believe that people convicted of**
2 **murder should --**

3 A. Pardon me?

4 **Q. I wasn't done.**

5 **Do you believe that people convicted of**
6 **murder should fulfill their sentences that they**
7 **are given?**

8 MR. COYNE: Objection, foundation.

9 MS. MORRISON: Objection, form, incomplete
10 hypothetical.

11 MS. WEST: Join.

12 BY THE WITNESS:

13 A. Say it again. Do I believe that
14 people --

15 BY MR. STARR:

16 **Q. Do you believe that people that are**
17 **convicted of murder --**

18 A. Murder.

19 **Q. -- by a court --**

20 A. Correct.

21 **Q. -- should serve out their sentences?**

22 MS. MORRISON: Same objections.

23 MR. COYNE: Objection, foundation.

24 BY THE WITNESS:

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1 A. Do I believe that after all appeals are
2 exhausted, all post-conviction motions, and if
3 everything else has been all exhausted and there
4 has been a thorough and competent investigation,
5 they should follow whatever the sentence was?

6 BY MR. STARR:

7 **Q. In 2014, did you write a letter to the**
8 **U.S. Parole Commission supportive of Former**
9 **El Rukn General and murderer Earl Hawkins'**
10 **parole?**

11 A. That's correct.

12 **Q. And why did you do that, sir?**

13 MR. HOLMES: On behalf of the State's
14 Attorney's Office, I instruct the witness not to
15 answer on the ground of the deliberative process
16 privilege.

17 And this would seem to be a document
18 that speaks for itself. So whatever is on the
19 face of the document is going to be the best
20 evidence in this question, and there is no
21 exhibit currently before this witness.

22 MR. STARR: I don't think I am asking a
23 question about his job at the State's Attorney's
24 Office.

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1 MR. HOLMES: It's during his time at the
2 State's Attorney's Office. So I think there is
3 a foundational issue here. Again, because the
4 document is not before the witness, there is
5 some things we can't answer here as lawyers or
6 the witness.

7 But because it's during his time as an
8 investigator for the State's Attorney's Office,
9 I'm not persuaded that this falls outside the
10 scope of his duties for the State's Attorney's
11 Office.

12 MR. STARR: Well, I don't think I necessarily
13 agree with that. I don't --

14 BY MR. STARR:

15 Q. Did you write your -- the letter to the
16 parole board on behalf of the State's Attorney's
17 Office?

18 A. Did I write a letter to the parole
19 board?

20 Q. In 2014 on behalf of Earl Hawkins on
21 behalf of --

22 A. I --

23 THE COURT REPORTER: Sorry. In 2014 --

24 BY MR. STARR:

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1 **Q. In 2014, the letter that you wrote to**
2 **the parole board on behalf of the State's -- on**
3 **behalf of Earl Hawkins, did you do so in your**
4 **role as a member of the State's Attorney's**
5 **Office?**

6 A. I -- I wrote that letter in 2000- --
7 whatever you said -- -14 for Earl Hawkins or to
8 the parole board on behalf of Earl Hawkins.

9 **Q. Yeah.**

10 **And in doing so, did you do so in your**
11 **capacity as a State's Attorney investigator?**

12 A. Did I what?

13 **Q. Did you write that letter in your**
14 **capacity as a State's Attorney's investigator?**

15 A. Yeah. I was a State's Attorney's
16 investigator at the time.

17 **Q. I understand that you were employed by**
18 **the State's Attorney's Office, but did you write**
19 **the letter in your capacity as a State's**
20 **Attorney's investigator, or did you write the**
21 **letter in your capacity as a regular person?**

22 A. As a law enforcement officer from my
23 time dealing with him at CPD and my time dealing
24 with him in the State's Attorney's Office.

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1 **Q. Okay. So it was a letter that you**
2 **wrote from your capacity as both the State's**
3 **Attorney investigator and a Chicago police**
4 **officer?**

5 A. Wearing both hats.

6 MS. MORRISON: Objection, mischaracterizes
7 testimony.

8 BY MR. STARR:

9 **Q. I didn't hear your answer. I didn't**
10 **hear the answer.**

11 A. Oh. I -- the letter was written on
12 behalf of -- for Earl Hawkins as a former CPD
13 member and as a current investigator at the
14 State's Attorney's Office.

15 **Q. Okay. And so why did you write that**
16 **letter?**

17 MR. HOLMES: So -- and here -- Counsel, I
18 will interpose an objection on the ground of the
19 deliberative process privilege and instruct the
20 witness not to answer.

21 BY MR. STARR:

22 **Q. Are you going to respect the State's**
23 **Attorney's instruction and refuse to answer my**
24 **question?**

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1 A. Yes, sir, I am.

2 Q. At any point during your interview with
3 Ms. Friend, did she ask to end the interview?

4 A. I'm sorry. Say again.

5 Q. At any point during your interview of
6 Ms. Friend, did she ask to end the interview?

7 A. In -- no. It just ended, "Anything
8 else to say?" Something to that effect. I
9 don't really recall specific phraseology or a
10 word.

11 Q. And that was --

12 A. And how -- it was just -- it ended
13 naturally. Put it that way.

14 Q. So at no point during the pendency of
15 the interview did she say, "I want to stop
16 answering questions" or anything like that
17 effect?

18 A. You are correct. That did not happen.

19 Q. Did Mr. Friend ever tell you that
20 anybody ever told her who to identify in a
21 lineup during the Willie Sorrell homicide
22 investigation?

23 A. Say it again.

24 Q. Did Ms. Friend ever tell you that the

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1 police told her who to identify in a lineup
2 during the Willie Sorrell homicide
3 investigation?

4 A. No.

5 Q. Did Ms. -- did you review Ms. Friend's
6 testimony in the James Fletcher prosecution
7 before you met with her? I don't know if I
8 asked you that.

9 A. I don't believe I did.

10 Q. Did Ms. Friend tell you anything about
11 her testimony when you met with her during her
12 interview?

13 A. No, sir. I don't recall.

14 Q. Did Ms. Friend ever tell you during
15 your meeting with her that she told
16 Mr. Fletcher's attorney during his criminal
17 trial that she was not sure about her
18 identification?

19 A. No, sir. I don't recall her saying
20 that.

21 Q. Did Ms. Friend ever tell you during
22 your interview with her that she told the police
23 after the shooting happened in 1990 that she
24 could not make identification of the offenders?

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1 A. No, sir. She did not.

2 Q. Did Ms. Friend ever tell you during her
3 interview with her that the police told her --
4 strike that.

5 Did Mr. Friend ever tell you during
6 your interview with her that she told the police
7 in 2002 that she could not make an
8 identification of the shooter?

9 A. No, sir.

10 Q. Did Ms. Friend ever tell you that she
11 was not shown a photo array?

12 A. That she was not shown a photo array?
13 No. No, sir.

14 Q. Did Ms. Friend ever tell you that the
15 police only showed her a single photograph of
16 Mr. Fletcher as a way of orienting her as to who
17 to pick during the lineup?

18 A. She did not tell me that.

19 Q. Did Ms. Friend ever tell you that the
20 police told her that if she didn't point out
21 Mr. Fletcher in the lineup, she would go to
22 jail?

23 A. She did not tell me that.

24 Q. Did Ms. Friend ever tell you that the

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1 police told her that if she did not identify
2 James Fletcher in the lineup, she would lose her
3 child?

4 A. No, sir.

5 Q. Did Ms. Friend ever tell you that the
6 police showed her a photograph of Mr. Fletcher
7 prior to her time in the lineup?

8 A. No, sir.

9 Q. Did Ms. Friend ever tell you that the
10 police told her they would drop the charges that
11 were pending against her if she identified
12 Mr. Fletcher?

13 A. No. She never said that to me.

14 Q. Did you put everything material and
15 substantive that you learned from Ms. Friend
16 into your report?

17 MR. COYNE: Objection, form.

18 THE WITNESS: Pardon me?

19 MR. COYNE: You can answer.

20 BY THE WITNESS:

21 A. Yes, sir.

22 BY MR. STARR:

23 Q. Did you find --

24 A. To the best of my ability, yeah.

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1 **Q. Do you recall finding Ms. Friend**
2 **credible?**

3 MR. HOLMES: On the behalf of the State's
4 Attorney's Office, I object on the grounds of
5 the deliberative process privilege and instruct
6 the witness not to answer.

7 BY MR. STARR:

8 **Q. Are you going to refuse to answer my**
9 **question?**

10 A. I'll follow the attorney's advice.

11 **Q. Does the fact that Ms. Friend has given**
12 **three different accounts about the same event**
13 **suggest to you that she is not a credible**
14 **witness?**

15 MR. HOLMES: On the behalf of the State's
16 Attorney's Office, I object on grounds of the
17 deliberative process privilege and instruct the
18 witness not to answer.

19 BY MR. STARR:

20 **Q. Are you going to refuse to answer my**
21 **question based on that instruction?**

22 A. On -- based on his instructions, I am
23 not answering.

24 MR. STARR: Okay. I believe I'm done, but I

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1 would like a -- just a -- like, little
2 two-minute break to look at my notes.

3 THE WITNESS: Yeah.

4 (Whereupon, a short break was
5 taken.)

6 BY MR. STARR:

7 Q. Mr. Brannigan, during the course of
8 this deposition, you have been taking notes.

9 Can you tell how many pages of notes
10 you have taken?

11 A. Pardon me?

12 Q. Can you tell how many pages of notes
13 you have taken?

14 A. One.

15 Q. You have only taken notes on one page;
16 is that correct?

17 A. That's correct.

18 Q. Okay. I would ask that you tender a
19 copy of those notes to your attorney and them
20 being produced in this -- in this litigation.

21 MR. COYNE: Can I take it?

22 THE WITNESS: Yeah.

23 MR. STARR: And because they were notes that
24 were manufactured by the witness -- by himself,

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1 that --

2 MR. COYNE: I'm not disagreeing.

3 MR. STARR: Okay.

4 MS. WEST: Are you good, or do you want
5 to see what he has to say?

6 MR. STARR: Yeah. I mean, let's let John
7 respond.

8 MR. COYNE: This is more like a transcript
9 than it is -- than it is notes, but okay.

10 MR. STARR: And then I'm sure it's a real joy
11 to read.

12 MR. COYNE: Yeah. Yeah. I agree. I don't
13 see any basis to withhold it from them.

14 (Whereupon, Mr. Coyne handed the
15 document to Mr. Starr.)

16 MR. STARR: Do you want me to take a
17 photograph of it, and then I will produce it, or
18 do you want to produce it?

19 MR. COYNE: You can -- I mean, it's your dep.
20 Do you want to copy it and -- yeah. Do you want
21 to just --

22 MR. STARR: Is that okay with you?

23 MS. WEST: Yeah.

24 MR. STARR: Okay. I'll just --

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1 MR. COYNE: That's fine.

2 MR. STARR: -- take a photograph of it.

3 MR. COYNE: That's fine.

4 MS. WEST: That's fine.

5 MR. STARR: And then produce it, like, on
6 Monday or something with the Bates.

7 BY MR. STARR:

8 **Q. Just a couple more follow-up questions**
9 **real quick.**

10 **Have you ever considered that you got**
11 **your interview with Ms. Friend incorrect?**

12 MR. HOLMES: I'm sorry. Would you mind
13 repeating the question, Madam Court Reporter? I
14 was taking a note in my own right over here and
15 I --

16 MR. STARR: I'll just -- I will just reask
17 the question.

18 MR. HOLMES: Thank you.

19 BY MR. STARR:

20 **Q. Have you ever considered the**
21 **possibility that you got your interview with**
22 **Ms. Friend incorrect?**

23 MR. COYNE: Object to form --

24 MR. HOLMES: On behalf of the State's --

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1 MR. COYNE: -- and foundation.

2 Go ahead.

3 MR. HOLMES: On behalf of the State's
4 Attorney's Office, I instruct the witness not to
5 answer on the ground of the deliberative process
6 privilege.

7 BY MR. STARR:

8 **Q. Are you going to refuse to answer that**
9 **question?**

10 A. I'm not going to answer the question
11 based on the advice of my attorney.

12 **Q. And if Ms. Friend testifies in this --**
13 **this case at any point that she told you those**
14 **things because you intimidated her or made her**
15 **feel like she had to say those things, would she**
16 **be lying?**

17 MR. COYNE: Objection, form, foundation,
18 incomplete hypothetical, requires speculation.

19 BY THE WITNESS:

20 A. Say it again.

21 BY MR. STARR:

22 **Q. Yeah, sure.**

23 **If Ms. Friend at any point in this**
24 **litigation testifies that the reasons she said**

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1 **the things that she said to you allegedly she**
2 **did so because you had intimidated her or**
3 **coerced her or made her say those things, would**
4 **she be lying?**

5 A. Yes, sir, she would.

6 MR. COYNE: Same objections.

7 BY THE WITNESS:

8 A. Yes, sir, she would.

9 BY MR. STARR:

10 **Q. Okay. If she recanted her recantation**
11 **to you, do you think that would make her even**
12 **more -- even less credible as a witness?**

13 MR. COYNE: Same objections.

14 MR. HOLMES: On behalf of the State's
15 Attorney's Office, I instruct the witness not to
16 answer the question on the ground of the
17 deliberative process privilege.

18 BY MR. STARR:

19 **Q. And then last question -- do you --**

20 A. I will follow his advice on that one.

21 **Q. Okay. And refuse to answer my**
22 **question?**

23 A. Yes, sir.

24 **Q. Last question, do you have any**

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1 **independent basis to say whether or not**

2 **Mr. Fletcher is guilty or innocent?**

3 MR. HOLMES: On behalf of the State's
4 Attorney's Office, I instruct the witness not to
5 answer on the ground of the deliberative process
6 privilege.

7 BY MR. STARR:

8 **Q. Are you going to --**

9 A. I will follow my attorney's advice.

10 **Q. Do you know that Mr. Fletcher received**
11 **a certificate of innocence in this -- in this**
12 **case?**

13 A. I do now. You just told me.

14 **Q. Does that have any bearing whatsoever**
15 **on your opinion about whether or not**
16 **Mr. Fletcher is guilty or innocent?**

17 MR. HOLMES: On behalf of the --

18 MR. COYNE: Objection, foundation.

19 MR. HOLMES: On behalf of the State's
20 Attorney's Office, I instruct the witness not to
21 answer on the ground of the deliberative process
22 privilege.

23 BY MR. STARR:

24 **Q. Are you going to --**

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1 A. I'll follow my attorney's advice.

2 Q. And the last two questions I asked you,
3 you refused to answer because of the State's
4 Attorney's instruction?

5 A. Yes, sir.

6 Q. Okay.

7 A. Correct.

8 MS. WEST: And I don't have anything after
9 all.

10 MR. COYNE: Okay.

11 MR. STARR: Okay.

12 MR. COYNE: You have the right to review your
13 transcript, and that's -- as you know, that's a
14 right you can reserve or you can waive that
15 right.

16 How do you choose?

17 THE WITNESS: No. I want to -- I want to
18 reserve my right.

19 MR. COYNE: Signature reserved.

20 THE WITNESS: (Witness mumbling).

21 THE COURT REPORTER: Is this off the record?
22 Or I can't hear what he's saying.

23 MR. COYNE: He's requesting -- so he's --
24 just for the record, the witness is reserving

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1 his right to review the transcript, number 1.

2 And number 2, he is asking for a full
3 copy as opposed to a mini copy in order for him
4 to review it.

5 THE COURT REPORTER: Did you need to order
6 the transcript?

7 MS. WEST: Yes, please.

8 THE COURT REPORTER: And did you need a copy?

9 MR. HOLMES: I will let you know, Kari. At
10 this time, we're not ordering it.

11 MR. STARR: Yeah. And I will let you know
12 too. We will probably order a copy, but I'll
13 let you know.

14 (Deposition concluded at
15 5:20 p.m.)

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES FLETCHER JR.,)
)
Plaintiff,)
)
vs.) No. 20 CV 4786
)
JEROME BOGUCKI, ANTHONY)
NORADIN, RAYMOND SCHALK,)
ANTHONY WOJCIK, UNKNOWN CITY)
OF CHICAGO POLICE OFFICERS,)
and the CITY OF CHICAGO,)
)
Defendants.)

I, DANIEL BRANNIGAN, state that I have
read the foregoing transcript of the testimony
given by me at my deposition on August 16, 2024,
and that said transcript constitutes a true and
correct record of the testimony given by me at
said deposition except as I have so indicated on
the errata sheets provided herein.

DANIEL BRANNIGAN

No corrections (Please
initial) _____
Number of errata sheets
submitted _____ (pgs.)

SUBSCRIBED AND SWORN to
Before me this _____ day
of _____, 2024

NOTARY PUBLIC

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)

4 I, Kari Wiedenhaupt, Certified Shorthand
5 Reporter, do hereby certify that on
6 August 16, 2024, the deposition of the witness,
7 DANIEL BRANNIGAN, called by the Defendants, was
8 taken before me, reported stenographically, and
9 was thereafter reduced to typewriting under my
10 direction.

11 The said deposition was taken at the
12 offices of Hale & Monico, Room 301, 53 West
13 Jackson Boulevard, Chicago, Illinois; and there
14 were present counsel as previously set forth.

15 The said witness, DANIEL BRANNIGAN, was
16 first duly sworn to tell the truth, the whole
17 truth, and nothing but the truth, and was then
18 examined upon oral interrogatories.

19 I further certify that the foregoing is a
20 true, accurate, and complete record of the
21 questions asked of and answers made by the said
22 witness, DANIEL BRANNIGAN, at the time and place
23 hereinabove referred to.

24


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1 The signature of the witness, DANIEL
2 BRANNIGAN, was reserved by agreement of counsel.

3 The undersigned is not interested in the
4 within case, nor of kin or counsel to any of the
5 parties.

6 Witness my signature as a Certified
7 Shorthand Reporter for the State of Illinois, on
8 August 26th, 2024.

9
10
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12
13
14 
15 Kari Wiedenhaupt, CSR
16 161 North Clark Street
17 Suite 3050
18 Chicago, Illinois 60601
19 Phone: 312.361.8851



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CSR No. 084-004725

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